

From his appointment as chairman of the Committee on Foreign Affairs to the end of his life he was easily in the very front rank of the membership of the House, possessing the respect and enjoying the regard of all his colleagues, irrespective of party, to an unusual, even to a remarkable degree; and when with inexpressible shock and sadness the knowledge came to them that his earthly career had closed, the depth, breadth, and warmth of the affection with which he was enshrined in their hearts was revealed to them in its completeness.

He had not reached but he was steadily approaching the zenith of his career as a statesman. His life had been, and without question it would have continued to be, one of constant growth in character, in gathering resources, in mental strength and acumen, in increasing faith in his own powers coupled with a steadily growing conviction on the part of the citizens of his native State that in him they had one in high place worthy of unlimited trust and confidence.

His was a manly spirit—virile, pervasive, indomitable. It was manifest in his early boyhood when, struggling against adverse conditions, he broke through his repressive environments and by his own well-directed efforts acquired a liberal education, the goal of his early ambition. It has been manifest since on many noteworthy occasions when battling against strong contending and opposing influences he has risen above them or has overcome them, has illuminated despair with the bright beam of hope, and out of seeming defeat has plucked unquestioned victory.

His was a noble soul, lofty, inflexible, and inspired. He dared to attempt great things, to rise that he might seize great opportunities, and measured by things accomplished there are few of his compeers who show larger or better results. Grand, indeed, was the course which lay before him. It was no easy task to set limitations to his increasing power, honor, and usefulness. It was in the effulgence of a risen sun that his manly, noble life went out, and we who were his comrades and his friends are left to mourn his untimely death.

By the few to whom he gave access to his innermost being, where they could catch the faintest throbs of his warm, true heart, there was abiding faith and fervent love. They who knew him best loved him most. These are the mourners who find no surcease. His memory reigns eternal in their breasts. His widow and his daughters, his aged mother, and his near kin—deep and sad is their bereavement. The chords of human sympathy yield plaintive and tender music when touched by the hand of affliction, and God in infinite love will be their "shield and buckler."

Mr. Speaker, I ask unanimous consent that all Members who desire be granted leave to print remarks in the Record for 20 legislative days.

There was no objection, and it was so ordered.

ADJOURNMENT.

And then, in accordance with the resolution heretofore adopted, the House (at 1 o'clock and 10 minutes p. m.) adjourned until to-morrow, Monday, January 20, 1913, at 12 o'clock noon.

SENATE.

Monday, January 20, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the order of the Senate of December 16, 1912.

ROBERT J. GAMBLE, a Senator from the State of South Dakota, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. OLIVER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, authentic copies of the certificates of ascertainment of electors for President and Vice President appointed in the States of Colorado, Mississippi, Nebraska, and Wyoming at the elections held in those States November 5, 1912, which were ordered to be filed.

CROW INDIANS OF MONTANA.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, acknowledging the resolution of the Senate of January 17, 1913, with reference to an investigation of the affairs of the Crow Indians, Montana,

which was referred to the Committee on Indian Affairs and ordered to be printed.

SENATOR FROM COLORADO.

Mr. GUGGENHEIM. Mr. President, I present the credentials of Hon. CHARLES S. THOMAS, of Colorado, Senator elect, which I send to the desk to be read.

The PRESIDENT pro tempore. The credentials will be read. The credentials of CHARLES SPALDING THOMAS, chosen by the Legislature of the State of Colorado a Senator from that State for the unexpired portion of the term ending March 3, 1915, occasioned by the death of Hon. Charles J. Hughes, jr., January 11, 1911, were read and ordered to be filed.

Mr. GUGGENHEIM. The Senator elect is now in the Chamber and ready to take the oath of office.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk for that purpose.

Mr. THOMAS was escorted to the Vice President's desk by Mr. GUGGENHEIM, and the oath prescribed by law having been administered to him he took his seat in the Senate.

SENATOR FROM MICHIGAN.

Mr. TOWNSEND presented the credentials of WILLIAM ALDEN SMITH, chosen by the Legislature of the State of Michigan a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a concurrent resolution adopted by the Legislature of Oklahoma, which was ordered to lie on the table and to be printed in the Record, as follows:

House concurrent resolution 1, memorializing the Congress of the United States to pass the measure now pending in the Senate known as the Kenyon-Sheppard bill.

Whereas the people of the State of Oklahoma believe in the due observance of all laws; and

Whereas there is now on the statutes of the State a law forbidding the sale or transportation of intoxicating liquor in the State of Oklahoma; and

Whereas the Federal law now protects the people in one half of the State from having intoxicating liquor brought into their midst, but does not so protect the other half of the State; and

Whereas the interstate common carriers are bringing into our State every day large quantities of intoxicating liquors to be sold in open violation of our State laws, and to the great injury of the people of the State; and

Whereas there is now pending in the Congress of the United States a measure known as the Kenyon-Sheppard bill, which has for its purpose the prevention of interstate shipments of liquors into States where the laws of the State forbid the sale of same: Therefore be it

Resolved by the House of Representatives of the State of Oklahoma (the Senate concurring), That the Congress of the United States be, and the same is hereby, earnestly memorialized and requested to pass the Kenyon-Sheppard bill at the earliest date possible, and without amendment; be it further

Resolved, That a copy of these resolutions, properly certified, be forwarded at once to the Speaker of the House of Representatives and to the President of the Senate.

Passed by unanimous vote of the house of representatives, January 9, 1913.

J. H. MAXEY,
Speaker of the House of Representatives.

E. T. SORRELL,
Acting President of the Senate.

I hereby certify that this is a true and correct copy of the above and foregoing resolution.

GUS POOL, Chief Clerk.

Mr. OLIVER. In behalf of my colleague [Mr. PENROSE], who is unavoidably absent, I send to the desk a telegram from Hon. Mayer Sulzberger, one of the judges of the court of common pleas of Philadelphia County, Pa., with reference to the pending immigration bill, which I ask to have read and printed in the Record.

There being no objection, the telegram was read and ordered to lie on the table and to be printed in the Record, as follows:

PHILADELPHIA, Pa., January 19, 1913.

HON. BOIES PENROSE,
United States Senate, Washington, D. C.:

Conference immigration bill contains provision for character certificate, which by reason of the cruelty of Russian officials will practically bar out all Russian Jews. Louis Marshall, my successor as president of the American Jewish committee, has telegraphed you to-day. Please note his reasons and do what you can to avert calamity.

MAYER SULZBERGER.

Mr. OLIVER. I present a telegram in the nature of a memorial from Louis Marshall, president of the American Jewish committee, which I ask may lie on the table and be printed in the Record.

There being no objection, the telegram was ordered to lie on the table and be printed in the Record, as follows:

NEW YORK, January 19, 1913.

GEORGE T. OLIVER,
United States Senate, Washington, D. C.:

Conference immigration bill, in section 3, contains provision not previously considered, excluding subjects of countries issuing character cer-

tificate failing to produce such certificate to immigration officials. This will exclude majority Jews coming from Russia and Roumania owing to practical legal difficulties attending procurement of certificates, the compliance with elaborate conditions imposed, their military regulations, and the large expense involved. How could victims of Kishineff or the thousands constantly expelled from their homes by police or those suspected of being political offenders expect to secure such a certificate? Such reversal of our attitude toward the persecuted can not be intended. Bill should be amended to preclude cruel consequences inevitably resulting from present phraseology.

LOUIS MARSHALL,
President American Jewish Committee.

Mr. SUTHERLAND presented telegrams in the nature of petitions from the Symes Grocery Co., of Salt Lake City; of L. G. Webber, of Salt Lake City; and Willard Hansen, dairy and food commissioner of Salt Lake City, all in the State of Utah, praying for the enactment of legislation to prevent the transportation of adulterated or misbranded goods, which were referred to the Committee on Manufactures.

He also presented a telegram in the nature of a petition from E. G. Peterson, director of extension division of the Utah Agriculture College, of Logan, Utah, praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was ordered to lie on the table.

Mr. BROWN. I present a telegram from the State superintendent of education in Nebraska, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

LINCOLN, NEBR., January 16, 1913.

Senator NORRIS BROWN,
Washington, D. C.:

Trust you will give Page bill your hearty support. Every educator in Nebraska will appreciate your active, earnest interest in same.

JAMES DELZELL, State Superintendent.

Mr. BRISTOW presented petitions of the Christian Endeavor Society of the United Brethren Church of Russell; of the congregation of the Methodist Episcopal Church of Medicine Lodge; and of sundry citizens of Meade County, Baldwin City, Hoisington, and Gas, all in the State of Kansas, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. HITCHCOCK presented a petition of sundry citizens of Laurel, Nebr., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a memorial of 105 Italian residents and American citizens of Omaha, Nebr., remonstrating against the adoption of the so-called literacy test amendment to the immigration bill, which was ordered to lie on the table.

He also presented a petition of 20 citizens of West Point, Nebr., praying that an investigation be made into the action of the Interior Department in declining to approve a lease granted to the Uncle Sam Oil Co. by the Osage national council, which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Grand Island, Nebr., remonstrating against the parole of Federal life prisoners, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of members of the Business Men's Association of Milford, Conn., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. PERKINS presented resolutions adopted by the Chamber of Mines and Oil, of Los Angeles, Cal., remonstrating against any reduction in the duty on borax, which were referred to the Committee on Finance.

He also presented resolutions adopted by General George A. Custer Council, No. 22, Junior Order United American Mechanics, of California, remonstrating against the adoption of any amendments to the law providing tolls for the Panama Canal, which were referred to the Committee on Inter-oceanic Canals.

Mr. MARTINE of New Jersey presented a telegram in the nature of a memorial from Louis Marshall, president of the American Jewish committee, of New York, remonstrating against the adoption of section 3 of the immigration bill now pending between the two Houses of Congress, which was ordered to lie on the table.

CONNECTICUT RIVER DAM.

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, reported it without amendment and submitted a report (No. 1131) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 8189) repealing a provision of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 8190) authorizing settlers on unsurveyed lands to make final proof under laws existing at the time of settlement; to the Committee on Public Lands.

By Mr. SHIVELY:

A bill (S. 8191) granting an increase of pension to Charles W. Allen (with accompanying papers);

A bill (S. 8192) granting an increase of pension to Samuel Waggoner;

A bill (S. 8193) granting an increase of pension to James E. Bacon; and

A bill (S. 8194) granting an increase of pension to John F. Yarnell; to the Committee on Pensions.

Mr. SMITH of Arizona. I introduce a bill to be referred to the Committee on Foreign Relations. It is in the matter of the injuries sustained by American citizens in El Paso, Tex., and Douglas, Ariz. The matter came from the Committee on Foreign Relations, and, though it is in the form of a claim, I think that committee has proper jurisdiction.

The bill (S. 8195) granting relief to certain American citizens in El Paso, Tex., and Douglas, Ariz., was read twice by its title and referred to the Committee on Foreign Relations.

By Mr. SMITH of Arizona:

A bill (S. 8196) authorizing homestead entrymen who are officers of water users' associations to reside off their entries during their terms as such officers; to the Committee on Public Lands.

By Mr. JOHNSTON of Alabama:

A bill (S. 8197) for the relief of Jacob Jones (with accompanying papers); to the Committee on Claims.

By Mr. HITCHCOCK:

A bill (S. 8198) to correct the military record of Nathaniel Monroe; to the Committee on Military Affairs.

A bill (S. 8199) granting a pension to Martha E. Tracy; to the Committee on Pensions.

By Mr. JACKSON:

A bill (S. 8200) to authorize the investigation and survey of swamp and other wet lands in the State of Maryland, to devise plans and systems for the reclamation of such lands, to authorize the Secretary of Agriculture to undertake such reclamation projects and to cooperate with the State drainage commissioners, and to appropriate money to carry out the provisions of the bill; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 8201) granting an increase of pension to Delia H. Austin (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 8202) to establish a legislative drafting bureau and to establish a legislative reference division of the Library of Congress; to the Committee on the Library.

By Mr. BURNHAM:

A bill (S. 8203) granting an increase of pension to Wendell P. Hood; to the Committee on Pensions.

By Mr. CHILTON (for Mr. WATSON):

A bill (S. 8204) to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia; to the Committee on Commerce.

A bill (S. 8205) granting an increase of pension to William Martin (with accompanying papers);

A bill (S. 8206) granting an increase of pension to Lucy Gamble (with accompanying papers);

A bill (S. 8207) granting a pension to Emma F. Davis (with accompanying papers);

A bill (S. 8208) granting an increase of pension to Elizabeth Croft (with accompanying papers);

A bill (S. 8209) granting an increase of pension to George W. Parsons (with accompanying papers);

A bill (S. 8210) granting an increase of pension to Joseph G. Ross; and

A bill (S. 8211) granting a pension to George Sorrell; to the Committee on Pensions.

ALCOHOL FOR TESTING CITRUS FRUITS.

Mr. WORKS. I introduce a joint resolution extending the privilege of the proviso of section 2 of the act of June 7, 1906,

to persons using alcohol for testing citrus fruits, and I ask for its present consideration.

The joint resolution (S. J. Res. 155) extending the privilege of the proviso of section 2 of the act of June 7, 1906, to persons using alcohol for testing citrus fruits was read the first time by its title and the second time at length, as follows:

Resolved, etc., That in addition to manufacturers employing processes in which the alcohol used free of tax under the provisions of the act of June 7, 1906 (34 Stat., 217), is expressed or evaporated from the articles manufactured, persons using such alcohol for testing citrus fruits shall be permitted to recover such alcohol and to have such alcohol restored to a condition suitable solely for reuse in testing citrus fruits under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate \$40,000 for repairs to the fisheries steamer *Albatross*, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to confirm titles of Deborah A. Griffin and Mary J. Griffin to certain lands situated in Okanogan County, Wash., etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. NELSON submitted an amendment proposing to appropriate \$116,000 for improving the Mississippi River between Winnibigoshish and Pokegama Reservoirs and the Leech River from its mouth to Leech Lake Dam, Minn., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate \$3,500 each for the salaries of 15 division superintendents and \$2,500 each for the salaries of 4 assistant superintendents, Railway Mail Service, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

COOPER RIVER (S. C.) BRIDGE, ETC.

Mr. TILLMAN. I move to reconsider the votes by which the bill (S. 7792) authorizing James Sottile, his heirs and assigns, to construct, maintain, and operate a bridge and approaches thereto across Cooper River, Charleston County, S. C., and also a bridge and approaches thereto across Shem Creek, Charleston County, S. C., was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. TILLMAN. I ask that the bill be placed on the calendar. The PRESIDENT pro tempore. It will go to the calendar.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE UTTER.

Mr. WETMORE. I desire to give notice that on Saturday, February 22, 1913, I will ask the Senate to consider resolutions commemorative of the life, character, and public services of Hon. GEORGE H. UTTER, late Member of the House of Representatives from the State of Rhode Island.

EXTENSION DEPARTMENTS IN AGRICULTURAL COLLEGES.

Mr. BRYAN. The junior Senator from Georgia [Mr. SMITH] gave notice that he would call up this morning House bill 22871, to establish extension departments in connection with agricultural colleges, and so forth. The Senator from Georgia is slightly indisposed and unable to be here. He asked me to extend the request for him and make it apply for Friday morning, January 24, instead of to-day.

WASHED MONEY (S. DOC. NO. 1020).

Mr. MARTINE of New Jersey. I have an article taken from the Plate Printer on the subject of "Washed money." I ask that it be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION OF ALIENS.

Mr. LODGE. I call up the conference report on the immigration bill.

The PRESIDENT pro tempore. The Chair lays the conference report before the Senate.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. LODGE. Mr. President, I desire to say a word in regard to the clause referred to in the telegram presented by the Senator from Pennsylvania [Mr. OLIVER] to-day. We have all, I suppose, received telegrams in regard to that clause. I have received one from Mr. Marshall, of New York, a very able lawyer, as we all know. I think it important to say something in regard to it, because it is evidently entirely misconceived.

The clause in question is the following, under the excluded classes:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

The theory expressed in the telegram of Mr. Marshall to me and of the other telegrams of similar character is that the effect of that would be to prevent the immigration of Hebrews from Russia. On that particular point, of Russia, let me say that no such certificate exists in Russia. With a view of the better prevention of the entry of criminals into the United States we have been endeavoring to get from other governments, under existing law, some form of penal certificate in order to show that a man has been convicted of a crime. Application was made to Russia, I am informed, and Russia replied that any such system was impracticable for her, and declined absolutely to do anything of the sort.

The certificates referred to there, so far as I have been able to learn and so far as the State Department has been able to learn, exist only in Italy. They are not certificates of citizenship such as those with which we are familiar in France, which exist also in Germany and possibly in Russia and in other countries, which are mere certificates of citizenship, containing in France, at least, an extract from the register of birth. Those certificates are held by all French citizens, and have no effect or relation whatever to immigration. This is a certificate showing that a man has been sentenced for an offense or has not been sentenced for an offense, and, as I say, it exists solely in Italy.

The only purpose of this clause, which was recommended by the department, was for the better exclusion of criminals. It is really an addition to clauses now existing in the law to exclude criminals. If it could possibly have such an effect as is suggested in these telegrams, I think I am at liberty to say that not only none of the conferees but neither of the committees would have agreed to it for a moment; but it has and can have no such effect.

It so happens, as I have already said, that in Russia, when we asked for certificates of that character simply as a matter of information, they informed us explicitly that they had no such certificates; that it would be impracticable to use them, and that they could not think of doing it. The provision will have no effect on the question of immigration whatever; it is not intended in any degree to restrict or exclude anyone except criminals.

Mr. STONE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. STONE. Before adverting directly to the statement of the Senator from Massachusetts that this provision of the bill, if enacted, would not affect emigrants from Russia, because, as he thinks and as he has been informed by the State Department, there is no law or regulation in Russia that would require any such certificate as is provided for in the bill—

Mr. LODGE. I should say, to be exact, that the Department of Commerce and Labor, through the State Department, made these inquiries of Russia some time ago without reference to this section.

Mr. STONE. Before I go further than that, I should like to ask the Senator from Massachusetts if this particular clause in the report of the conference committee was inserted by the conference committee?

Mr. LODGE. It was.

Mr. STONE. I should like to know whether that clause, or anything of that nature, of which this might be considered an amendment or modification, appeared in either the House or the Senate bill?

Mr. LODGE. That clause was inserted in conference on the request of the department. The conferees considered very carefully whether it would come under any rule relating to exclu-

sions from conference reports, and came to the conclusion that this was not open to that objection. The House, as I need not say here, is extremely strict on this point. On August 14, 1911, the present Speaker of the House made a ruling in regard to a point of order of a similar character, in which he said:

The particular matter at bar seems to have been differentiated into two classes by previous Speakers: One, where the dispute between the two Houses is simply a dispute about rates or about amounts, and the other where one House strikes out everything after the enacting clause and substitutes an entirely new bill.

In this case it is just reversed. The House struck out everything after the enacting clause and inserted a new bill.

Last Saturday there did not seem to be any precedents to fit the point under consideration. This time, fortunately for the Chair at least, four great Speakers of this House have ruled on the proposition involved—Mr. Speaker Colfax, who was subsequently Vice President; Mr. Speaker Carlisle, subsequently Senator and Secretary of the Treasury; Mr. Speaker Henderson; and Mr. Speaker CANNON.

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Mr. Speaker CANNON, just read by the gentleman from New York [Mr. FITZGERALD], incorporated into this opinion, because the question ought to be definitely settled during the life of this Congress at least.

Mr. CANNON's ruling was in regard to the passport clause inserted in the immigration bill of 1907. He then said that that was in order because the whole subject of immigration was open to the conference. The present Speaker of the House has adopted those opinions from those four Speakers, the previous Speakers—Mr. Colfax, Mr. Carlisle, Mr. Henderson, and Mr. CANNON—and he makes the fifth, holding that where the entire subject is before the conference it is open to the conferees to substitute, if they so desire, an entirely new bill.

This conference committee, I desire to say, has been extremely careful. After full consideration it came to the conclusion that this particular clause relating to the subject of immigration, and especially to the exclusion of criminals, was distinctly in order under the rulings of the Speakers to whom I have referred.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. I do.

Mr. SIMMONS. I should like to request the Senator from Massachusetts, if he has it before him, to read the amendment made by the conferees upon this particular subject.

Mr. LODGE. It is in the exclusion list, and reads:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Massachusetts yield for a moment?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. LODGE. Certainly.

Mr. MARTINE of New Jersey. The Senator from Massachusetts refers to telegrams relative to this matter. I presume those are the same as the telegram I have received signed by Mr. Lewis Marshall, president of the American Jewish committee.

Mr. LODGE. Yes; that is the one.

Mr. MARTINE of New Jersey. It would seem to me that this telegram was prompted to him even after the conference committee's report, and I would ask that the telegram be read for the edification of the Senate.

Mr. LODGE. A precisely similar telegram has already been read and gone into the RECORD.

Mr. MARTINE of New Jersey. I was not aware of that, and I withdraw the request.

Mr. LODGE. It was offered by the Senator from Pennsylvania [Mr. OLIVER].

Mr. MARTINE of New Jersey. Then I send the telegram which I hold in my hand to the desk.

Mr. STONE. Will the Senator from Massachusetts yield to me?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. STONE. I find, on page 436 of the Manual, a rule laid down, which I suppose is the governing law in proceedings of this character in this body. Clause 29, on page 436, is as follows:

Conferees may not include in their report matters not committed to them by either House.

Mr. LODGE. That undoubtedly is the case as a general statement of law; but in this instance the House struck out the

entire bill, and the Speakers whom I have quoted have held that when the entire bill was stricken out by one House and another bill substituted, then the whole subject was before the conferees. The only point on which there is even a doubt—and Mr. Speaker Colfax holds back on that point and leaves it open—is when in the two bills there is a clause in precisely the same language which both Houses have agreed to. Speaker Colfax expressed a doubt whether such a clause could be touched; but beyond that all the Speakers have ruled with the greatest breadth that where the entire bill was stricken out the whole subject was before the conference, and that where anything that fairly relates to the conference—of course, I am excluding amounts of money or rates of duty—that where anything relating to the subject came before the conferees connected with other portions of the bill, it was in order for the conferees to act upon it, and it was not to be considered new matter.

Mr. STONE. Has the Senator any ruling made by a presiding officer of this body on that point?

Mr. LODGE. Mr. President, the Senator is familiar with the procedure here and is aware, of course, that our procedure on new matter in conference reports has been very different from the practice in the other body. In the House, if a point of order of new matter or a point that the conferees have gone beyond their power is made and sustained, that sends the bill back to conference without any action by the body at all. It is like a point of order made on their own bill. That has never been the practice here. If the Senate felt that there was a clause that ought not to have been put in the bill they have sent the bill back to conference with implied instructions to the conferees that they should make the necessary change. Our practice on the question of new matter reported by conferees has been extremely loose.

Mr. STONE. Mr. President, as I understand the facts in this case, they are substantially as the Senator has stated them. The Senate passed a bill; the House struck out all after the enacting clause of that bill and inserted another bill. In the main, the chief provisions of the two measures were the same, though there were some differences.

Mr. LODGE. Oh, no. If the Senator will excuse me, the only provision that was the same in principle was the sole provision put in by the House—the illiteracy test. Everything else, including the administrative provisions, was stricken out by the House.

Mr. STONE. I know they were stricken out—

Mr. LODGE. They substituted nothing but the illiteracy test in their own form.

Mr. STONE. I so understand; but the bill, then, to which the House agreed after the enacting clause contained in the main provisions similar to those which were embodied in the Senate bill.

Mr. LODGE. It contained nothing but the illiteracy test—not a single sentence beyond the illiteracy test.

Mr. STONE. However that may be, the question submitted—

Mr. LODGE. The whole Senate bill was before the conferees as well as, of course, the illiteracy test, the substitute by the House; that is, the whole subject was before the conferees.

Mr. STONE. The question before the conferees was as to the differences growing out of the two bills.

Mr. LODGE. Yes; the whole subject was before them.

Mr. STONE. The differences between the two bills. Those were the issues. The conferees insert very important independent provisions on their own motion. It seems to me that is in conflict with the rules that govern this body; and I intend to make a point of order and have it ruled upon.

Mr. LODGE. That is a question to be decided by the Senate.

Mr. STONE. I know it is—to be decided by the Senate, but before—

Mr. LODGE. We do not follow the House practice.

Mr. STONE. But before that is done I wish to call the Senator's attention and the attention of the Senate to something which, I think, will show that the Senator from Massachusetts is in error about there being no laws and regulations in Russia that would compel a citizen of that country to present certificates such as are provided for in this bill.

Mr. LODGE. They have certificates of citizenship, but I do not think they have certificates of this character.

Mr. STONE. I hold in my hand a statement of the Russian regulations for emigrants. It was prepared and circulated by the Russian-American Steamship Line, a line plying between the ports of Russia and the United States, and bringing a great many emigrants to this country. I assume that that corporation would not likely be mistaken as to what the laws and regulations are in Russia. It would not be likely to issue

and publish a document for general circulation that would be calculated to retard immigration when they were seeking as great a number of passengers as possible.

I am going to ask the Secretary to read this excerpt from the publication to which I have referred, and I wish to invite the attention of the Senator from Massachusetts and the Senator from Vermont to its language, and see what they think of it.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

RUSSIAN REGULATIONS FOR EMIGRANTS.

Every Russian subject, in order to be able to leave his country, must have a passport issued by the governor of his State. Every person, in order to be able to secure such a frontier passport, must have his legal papers on which he is allowed to live in Russia in good order—that is, such papers should not expire just about the time he desires to emigrate. The following are the different legal papers recognized and on which a Russian subject can secure his frontier passport:

State passport.

Legal ordinary passport (Mesczansky passport).

Local ordinary passport (Wolostnoi passport).

A Russian in possession of any one of these passports must have the names of all the members of his family desiring to emigrate entered on same, should the members of his family not be in possession of their own passport.

Wives and minor children, in case they desire to travel alone, although in possession of their own passport or their names are entered on their husbands' or parents' passport, must secure a certificate from their husband or parents agreeing to their journey, which must be certified by a notary public and by the police department. In villages these papers are signed by the local head of such village (Starosta).

Wives and minor children whose husbands and parents have emigrated to the United States or Canada and desire to have their families join them can obtain a frontier passport, if they are in possession of a power of attorney from their husband or parents, allowing them to leave Russia. This power of attorney must be made out in duplicate, the husband or parent must sign same, have his signature attested by a notary public, and afterwards legalized by a Russian consul. One of these copies remains on file with the consul and the other is returned to the sender to be sent to his wife and children in Russia. This power of attorney is recognized in Russia, even if the husband or father has left that country unlawfully.

No male Russian subject, if he is 18 years of age, can leave his country unless besides being in possession of his passport he has documentary proof that he has presented himself for military service and has been refused for some reason or other. If such subject is 21 years of age, he must have documentary proof that he has served the army or that his name has been added to the reserve list, if these facts are not already mentioned in his passport.

In addition to being in possession of any one of these papers, a Russian subject must also present a certificate from the police department of the city where he resides, that there is no objection against such passenger leaving his home. In villages such certificates are issued by the village authorities and are obtained without any difficulty, if the person applying for same has no criminal or civil judgment against him, or if a fine has not been imposed upon him. A Russian in possession of these papers can then apply for a frontier passport to the governor of his State.

Mr. LODGE. Mr. President, I have said that I have read those passport regulations of Russia. This clause in the bill under consideration would not exclude anybody who failed to have a passport as required by those Russian provisions or failed to have evidence of military service. No one would be excluded on that ground under this clause. It relates to a particular kind of a certificate, affecting solely the question of whether the immigrant has been convicted of crime; and those certificates are not issued by the Russian Government at all. All the clauses that have been read in that paper relate to the getting of passports. A man does not have to have a passport to come into this country and there is nothing in this clause which makes it a positive requisite.

Mr. STONE. But, Mr. President, this regulation does provide that before a man can secure a passport he must present a certificate to the Russian authorities from the police department of the city where he resides, saying that there is no objection to his emigration.

Mr. LODGE. That is perfectly true; I understand that. But that is preliminary to getting a passport; and if a man comes here from Russia without a passport that does not exclude him.

Mr. STONE. Here is a provision requiring him to get a certificate.

Mr. LODGE. But it does not require a passport. It is a particular kind of certificate—a certificate of freedom from criminal conviction.

Mr. O'GORMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly.

Mr. O'GORMAN. Will not the adoption of this law encourage Russia or any other foreign country to alter its domestic law so as to provide for the issuance of certificates of character, knowing that the withholding of such a certificate will cause this country to refuse admission to one of its subjects?

Mr. LODGE. I do not think so, Mr. President, because, as I have already stated, we endeavored, as I am informed through

the Department of Commerce and Labor, to get some arrangement with Russia as well as with other countries for the issuance of penal certificates—certificates of character—and Russia absolutely declined to enter into such an arrangement, saying it was totally impracticable.

Mr. O'GORMAN. I should like to ask the Senator whether this clause does not make it possible for every foreign power to limit and restrict emigration on its borders? In other words, will it not make it possible for Russia and other foreign powers to defeat our policy as to expatriation?

Mr. LODGE. I do not think it is possible, Mr. President. I do not see how it could be tortured into anything of that kind.

Mr. O'GORMAN. All Russia has to do is to pass a law prohibiting its subjects from leaving the country without securing a certificate of character, in which event, if this law were to be adopted, we would nullify the principle of expatriation, for which this country has stood against the world.

Mr. LODGE. I am entirely in agreement with the Senator about the principle of expatriation. As I said when I began, if I thought this clause would have any such effect as is depicted in these telegrams, not one of the conferees nor any Member of either House, I think, would have agreed to it. But I totally disagree with the Senator in the idea that it can be twisted into anything of the sort. This is a particular kind of certificate.

Mr. O'GORMAN. Yes.

Mr. LODGE. Of course, if an immigrant has a penal certificate, the chances are he will not offer it. But the issuance of a penal certificate, with access to the records, which we should have through our consular officers, would enable us to know when criminals come.

Mr. O'GORMAN. While it confers that benefit, it puts it within the power of every foreign nation to restrict, if not to prohibit, its subjects leaving that country to come to the United States.

Mr. LODGE. I do not see that it does, because it is a particular kind of certificate. There is only one country that now issues them. They have been required in the case of Italian immigrants for some time. I do not mean to say they have been required as a matter of regulation. They have been asked for; they have been used. They have never led to the exclusion of anyone nor to any remonstrance that I am aware of.

Mr. O'GORMAN. As I understand the Senator from Massachusetts, this proposal did not originate with anyone of the conferees, either in the Senate or in the House. The Members of the Senate and of the House have given diligent thought and study to this subject for many months. It does seem to me that a gratuitous suggestion, coming from the head of one of our departments, that dealing with immigration should not find a lodgment in this law, when it affects the spirit of our country, and more particularly the right of expatriation, for which this country stood alone 100 years ago.

Mr. DILLINGHAM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. I yield to the Senator from Vermont.

Mr. DILLINGHAM. In reply to the Senator from New York, I should like to say that one of the greatest problems that was presented to the Immigration Commission for solution was the question of how best to exclude the criminal classes from this country. The members of the commission studied that question very thoroughly, and after the completion of their work they called the attention of the President of the United States—both the President now in office and the one who preceded him—to the possibility, under the law authorizing the appointment of the commission, of securing agreements with different European governments under which regulations might be made for the exclusion of the criminal classes. That scheme has not worked out.

The commission then took up the question of reaching that evil by legislation. I think we were all united in the opinion that if the different nations of Europe were in the habit of keeping these records and issuing these individual certificates the requirement that they should be presented on admission to this country would furnish a very good means of reaching that evil. When this bill was framed that matter was overlooked, and it came up in conference. It there appeared that only Italy issues these certificates at this time. For that reason the conferees, believing that they had authority to introduce that clause into the bill at this stage of the proceedings, and their attention being called to it by the department, thought it best to do so.

The point that I wanted to make, in answer to the Senator from New York, was that this was a question which was very carefully considered by the commission. The question was a

difficult one. There is no doubt about that. They thought that the requirement of such certificates on the part of those coming from countries granting such certificates would be an admirable means for keeping out the criminal classes.

I do not know that I need say anything further by way of explanation of the reason why the conferees adopted that provision.

Mr. STONE. Mr. President, if the Senator from Vermont will permit me to ask him a question for information, for what purpose are these certificates of character issued?

Mr. DILLINGHAM. It is simply to show the criminal record of the alien, I understand. In Italy the individual can receive such a certificate and bring it with him. The Government issues it and he brings it with him when he comes here.

Mr. STONE. Then there is no agreement between this country and Italy that would give any official character to the certificate, so far as concerns our law or the administration of it?

Mr. DILLINGHAM. Not at all. It is received as a matter of evidence of the fact that the man's record is clear so far as criminal prosecutions are concerned.

Mr. LODGE. That is all it does.

Mr. STONE. Is a passport necessary in Italy, so that without it an Italian can not go aboard a ship for foreign travel or for emigration?

Mr. DILLINGHAM. They do not issue passports, I understand.

Mr. STONE. They issue a certificate, then, which in a measure takes the place of a passport?

Mr. DILLINGHAM. No; there is no certificate issued which is recognized by this Government.

Mr. STONE. That is to say, it gives the consent of that Government for the emigrant to embark?

Mr. DILLINGHAM. I know of nothing of that kind. Does the Senator from Massachusetts?

Mr. LODGE. No; I know nothing of it.

Mr. DILLINGHAM. I know of nothing whatever of that kind.

Mr. STONE. I understand that is the case under the regulations in Russia.

Mr. LODGE. That is a passport.

Mr. STONE. I know it is a passport; but a Russian can not get a passport until he presents his certificate.

Mr. LODGE. Under this clause, nobody could possibly be excluded because he did not have a passport as required by the Russian law.

I only want to say this in connection with the point of order: The Senator from Vermont called my attention to it, and I had not had time to look it up. The point of order that is made by the Senator from Missouri was made by Mr. SABATH in the House. He read the same extract from Jefferson's Manual the Senator from Missouri has read. Then this occurred:

The SPEAKER. The Chair overrules the point of order.

It was overruled in the House on the ground to which I have already alluded, which was set forth with elaboration by the Speaker, on the 14th of August, 1911. I think his ruling was sound.

I will ask to have the decision of the Speaker of August 14, 1911, printed in the RECORD; also the record in regard to the point of order which was made on the 17th of January, 1913.

Mr. President, I do not think, under the best practice, there can be any doubt as to the point of order.

Mr. O'GORMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly; I yield.

Mr. O'GORMAN. Would it not offend the rules of the Senate not only to introduce in this discussion, but to make part of the record, something that transpired in the House?

Mr. LODGE. I think not. I think rulings of previous Speakers may legitimately come in as part of the record.

Mr. O'GORMAN. The Senator is alluding not only to the ruling of the Speaker, but to the attitude assumed by a Member of the House on the question.

Mr. LODGE. It always has been the practice to quote the rulings of Speakers on points of parliamentary law. I do not think that infringes the very wise practice of not referring to debates in the House. This is a point of parliamentary law affecting the procedure of both Houses, and I think it properly comes in.

The matter referred to is as follows:

[CONGRESSIONAL RECORD, Aug. 14, 1911.]

The SPEAKER. The particular matter at bar seems to have been differentiated into two classes by previous Speakers: One, where the dispute between the two Houses is simply a dispute about rates or about amounts, and the other where one House strikes out everything after the enacting clause and substitutes an entirely new bill.

The Chair has no doubt whatever that at least one contention of the gentleman from Illinois [Mr. MANN] is correct. That is, that if it is a mere squabble about amounts or rates, the conferees can not go above the higher amount or rate named in one of the two bills or lower than the lower rate named in one of the two bills. But that is not this case. In this case the Senate struck out everything after the enacting clause and substituted a new bill. Last Saturday there did not seem to be any precedents to fit the point under consideration. This time, fortunately for the Chair at least, four great Speakers of this House have ruled on the proposition involved—Mr. Speaker COLFAX, who was subsequently Vice President; Mr. Speaker CARLISLE, subsequently Senator and Secretary of the Treasury; Mr. Speaker HENDERSON, and Mr. Speaker CANNON. The Chair does not know anything about the parliamentary clerks to Mr. Speaker COLFAX and Mr. Speaker CARLISLE, but the Chair is fully persuaded that every Member of this House who has served in prior Congresses will agree that Mr. Speaker HENDERSON and Mr. Speaker CANNON had the advantage of being advised by one of the most skillful parliamentarians in this country, the present Member from Maine [Mr. HINDS]. [Applause.]

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Mr. Speaker CANNON, just read by the gentleman from New York [Mr. FITZGERALD], incorporated into this opinion, because the question ought to be definitely settled during the life of this Congress at least. The Chair will first have the decision of Mr. Speaker COLFAX read, and the Clerk will announce the volume and section of Hinds' Precedents.

The Clerk read as follows:

Hinds' Precedents, volume 5, section 6421:

"Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text, and the differences over this substitute are referred to conference, the managers have a wide discretion in incorporating germane matters, and may even report a new bill on the subject. On March 3, 1865, Mr. Robert C. Schenck, of Ohio, from the committee of conference on the disagreeing votes of the two Houses on the bill H. R. 51, entitled 'An act to establish a bureau of freedmen's affairs,' reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon, as a substitute, a new bill, entitled 'An act to establish a bureau for the relief of freedmen and refugees.'

"As soon as the report had been read, Mr. William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate or an agreement by the committee on an amendment to the Senate's amendment to the House bill, but it reported an entire substitute for both the original bill and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills."

The Speaker, Mr. COLFAX, said:

"The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them."

On an appeal the Chair was sustained—yeas 89, nays 35.

The SPEAKER. The Clerk will now read the ruling of Mr. Speaker CARLISLE.

The Clerk read as follows:

Section 6422 of Hinds' Precedents, volume 5:

"6422. On August 3, 1886, the House had under consideration the report of the committee of conference on the river and harbor bill.

"Mr. William M. Springer, of Illinois, made the point of order that the conferees had included new matter in their report.

"The Speaker, Mr. CARLISLE, ruled:

"The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments as was contended for by some gentlemen on the floor at the time.

It was nonconcurrent in by the House and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject, and therefore the Chair overrules the point of order."

The SPEAKER. The Clerk will read the decision by Mr. Speaker HENDERSON.

The Clerk read as follows:

Section 6423, volume 5, Hinds' Precedents:

"6423. On February 25, 1901, Mr. GILBERT N. HAUGEN, of Iowa, presented the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.

"The conferees recommended that the House recede from its amendment, which was in the nature of a substitute, striking out all after the enacting clause and inserting a new text; and they further recommended that the House agree to the Senate text with certain specified amendments.

"Mr. OSCAR W. UNDERWOOD, of Alabama, made a point of order that the conferees had exceeded their authority and incorporated in their report matters not in difference between the two Houses. The House text had substituted reference to the Court of Claims instead of to the commission proposed by the Senate text. The conferees not only recom-

mended the adoption of the Senate text, but had enlarged the provisions of it, making the number of commissioners five instead of three, although, he asserted, there was no issue between the two Houses on this point, and also materially changing the Senate text in those portions relating to the right of appeal.

"After debate the Speaker, Mr. Henderson, held:

"The current of authorities in regard to the action of the conferees is that they must be held strictly to the consideration of such matters as are in issue between the two Houses. That is the general governing principle, and a most valuable one and a necessary one. In this case, however, the Chair sees no difficulty. As stated by the gentleman from Pennsylvania [Mr. Mahon], the Senate presents a proposition for a commission; the House turns that down, so to speak, and adopts an amendment, by way of substitute, providing that these Spanish claims shall be referred for determination to the Court of Claims. In other words, the Senate contends for a commission, the House for the Court of Claims. The method of treating these Spanish claims is thus put in issue. The House, when it sent over to the Senate its amendment by way of substitute, said: 'We will not entertain your method; we have a better one; we offer you a substitute whereby these matters shall be referred to the Court of Claims instead of a commission.' That puts in issue every question bearing upon this controversy between the two Houses. The able remarks of the gentleman from Alabama [Mr. UNDERWOOD] have not suggested a single question that is not brought in issue between the two Houses in the present position of this question. The conferees have not gone beyond the matters in issue. On this point the Chair will ask the Clerk to read from the Parliamentary Precedents of the House of Representatives, section 1420, a decision made by Speaker Colfax.

"The section having been read, the Speaker concluded:

"The House will readily see that the precedent just read bears strongly on this question, although in the present case the conferees have not gone so far as they did in that case. There is nothing here that is not germane to the main issue. In reference to no matter in controversy between the two Houses have the conferees attempted to trench upon or change a single expression that the two Houses have agreed upon. The Senate sends to this House a bill for which the House presents a substitute, and the report of the conferees seeks only to treat of matters in issue. The Chair feels clear that he is justified in overruling the point of order. The question is on agreeing to the report."

"The SPEAKER. The Clerk will now read the decision by Mr. Speaker CANNON.

The Clerk read as follows:

Section 6424, volume 5, Hinds' Precedents:

"6424. Where the disagreement is as to an amendment in the nature of a substitute for the entire text of a bill, the managers have the whole subject before them and may exercise a broad discretion as to details.

"A point of order against a conference report should be made or reserved after the report is read and before the reading of the statement.

"On February 18, 1907, Mr. William S. Bennet, of New York, submitted the report of the managers of the conference on the bill (S. 4403) entitled 'An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.'

"Before the report was read Mr. JOHN L. BURNETT, of Alabama, proposed to reserve a point of order.

"The Speaker said:

"The Chair will state to the gentleman from Alabama, who desired to reserve points of order, that it is the impression of the Chair that the point of order, if any is made, is in time after the report is read; but if the gentleman desires, out of abundant caution, he may reserve at this time points of order. * * * All points of order are reserved. The proper time to reserve points of order, as the Chair is informed, on conference reports is after the conference report is read and before the statement is read."

The report having been read, a point of order was made by Mr. BURNETT, who insisted that the managers had exceeded their authority in inserting the following provisions:

"Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States, to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone."

And in another portion of the report the following:

"SEC. 42. It shall not be lawful for the master of a steamship or other vessel wherein immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein 18 clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and 20 clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than 7 feet," etc. (continuing in detail).

After debate, the Speaker [Mr. CANNON] held:

"The Senate during the last session passed an act entitled 'An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," etc.

"This Senate bill was broad in its provisions and substantially amended the immigration laws then in force. It was very general in its nature, as will be found upon examination. The bill came to the House. The House struck out all of the Senate bill after the enacting clause, by way of amendment, and passed a substitute therefor. So that the House entirely disagreed with every line, with every paragraph, with every section of the Senate bill—everything except the enacting clause—and proposed a substitute therefor, and this substitute, on examination, is found to be a complete codification and amendment of existing immigration laws and, incidentally, the labor laws connected

therewith, especially those dealing with contract labor, and with many other questions to which it is not necessary to refer. And in the final clause of the House substitute there is the provision:

"That the act of March 3, 1903, being an act to regulate the immigration of aliens into the United States, except section 34 thereof, and the act of March 22, 1904, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons," etc.

"So that not only does the House by its substitute amendment codify and amend all the laws touching immigration, but incidentally changes those relating to labor, especially contract labor. The House substitute is found to be abounding in section after section with the prohibition of contract labor in connection with immigration, and with various other provisions of a similar nature.

"The House substitute, by way of amendment, went to the Senate. The Senate disagreed to every line, paragraph, and section of the House provision; and with that disagreement to the Senate provision, and with the House provision in effect a disagreement to the original Senate bill, the whole matter went to conference. That is, by this action there was committed to conference the whole subject of immigration, and, as connected therewith, the prohibition of immigration by way of contract labor in the fullest sense of the words. * * * The Chair has not had time to hunt up all the provisions of the immigration laws of the country, but the repealing clause, with the exception as proposed by the House and the disagreement of the Senate, sent this whole matter, in the opinion of the Chair, to the conferees.

"Now, then, there is but one provision that is seriously contended for in the point of order that is made, and that is to be found on page 2 of the House conference report, No. 6607, and is as follows:

"That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States, from such other country or from such insular possessions or from the Canal Zone."

"Now, then, one of the principal efforts in legislation heretofore have been to exclude labor that is brought in under contract or is promoted, so to speak; and the very reason of that legislation has been and is that the labor conditions in the United States should not be affected unfavorably. Three sections of the House substitute deal expressly with that question. It is not like unto the precedent cited by the gentleman from Mississippi, which was made by the ruling of Mr. Speaker Henderson. The only thing there was a disagreement between the House and the Senate as to certain specified claims, and between the Senate and House as to certain other specified claims. The conferees in that case, taking in the whole sea or ocean of claims, from the birth of Christ to the supposed death of the man with hoofs and horns, picked out a number of claims that the House or Senate never had heard of or dealt with and put them in the conference report, and Mr. Speaker Henderson properly sustained the point of order to the conference report. The Chair has no difficulty nor any hesitation in holding that this is germane first; and, second, that it comes within the scope of the disagreement between the House and Senate as affects immigration on the one hand and the interest of labor on the other, and therefore overrules the point of order."

"Mr. BURNETT having appealed, the appeal was laid on the table on motion of Mr. SERENO E. PAYNE, of New York, by a vote of yeas 198, nays 104."

The SPEAKER. It will be observed from one of these decisions that in days gone by the gentleman from Alabama [Mr. UNDERWOOD] had the other end of this question than the one he has to-day [laughter], and that he was overruled. In view of this long line of decisions by illustrious Speakers, the Chair overrules the point of order of the gentleman from Illinois [Mr. MANN]. [Applause on the Democratic side.]

[CONGRESSIONAL RECORD, Jan. 17, 1913.]

Mr. SABATH. Mr. Speaker, I reserve all points of order.

Mr. MANN. Mr. Speaker, I make the point of order that the report can not be considered in the House until the original papers are before the House, and that the original papers are not in the possession of the House. I understand the original Senate bill is in the possession of the Clerk. The House adopted an amendment striking out all after the enacting clause, so it is claimed.

The SPEAKER. The Speaker wishes that the gentleman would go over that again. The House will be in order.

Mr. MANN. The House, I believe, agreed to an amendment striking out all after the enacting clause. Under the rules and the laws and the practice that amendment is sent by resolution from the House to the Senate. I have the form of the resolution in my hand, and the form of the resolution is in the possession of the Clerk. It has to be certified to or attested by the Clerk. That has not been done, and the papers that are before the Speaker, I have no doubt the original papers, properly attested by the Clerk, are in the possession of the Senate. I make the point of order that, in the absence of the original papers, the House can not consider the conference report.

The SPEAKER. How did the Senate ever get possession of it, then?

Mr. MANN. I suppose the Senate has possession of the original papers. I do not know what the Senate has done about it.

The SPEAKER. The original Senate bill is here, properly attested by "Charles G. Bennett, Secretary," and "H. M. Rose, Assistant Secretary."

Mr. MANN. The Senate bill is properly attested, as I understand it.

The SPEAKER. The House part, that is attached to the original Senate bill, does not seem to have been attested by the House Clerk. If we can get hold of him we can have him sign it *nunc pro tunc*.

Mr. MANN. By unanimous consent I suppose he could do that.

The SPEAKER. Why would it take unanimous consent? The Speaker has never investigated it, but he thinks he would have the same power in that kind of a case that a *nisi prius* judge has. The Chair is not certain about that, however.

Mr. MANN. I take it that we are entitled to the original papers.

The SPEAKER. Unquestionably.

Mr. MANN. We must proceed on what is officially before the House. The House did have this bill up for consideration and did agree to an amendment. We have not official information at this time as to what that amendment consists of, in the absence of the original papers, and if we adopt the practice of considering a bill without the original papers and without the attestation of the Clerk, no one knows what might be presented as the original papers.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the gentleman's point of order comes too late. The House has proceeded to consider such papers as it had before it.

The SPEAKER. The Chair thinks that that point of order is not well taken. This document, purporting to be the conference report, has been read. That is all the proceeding that has been taken on this matter except the parliamentary skirmish that took place earlier in the day. The Chair does not think that the gentleman's point of order comes too late.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to know whether it is now in order to raise the question of consideration.

The SPEAKER. It is not in order to raise the question of consideration until this other matter is determined. The Chair does not have any doubt about the right of the Speaker to order the Clerk to sign that document.

Mr. MANN. Mr. Speaker, the question is whether the original papers are the ones that were presented to the Senate. Is the Speaker prepared to say that the resolution which was sent to the Senate, not attested, is not merely a copy of the papers that we want—is not merely a copy of the papers we are entitled to?

The SPEAKER. Here is the situation: We have a certified copy of the Senate bill. Then we have the conference report sent over by the Senate, with this House amendment, striking out all after the enacting clause, and enacting a new law, so far as the House could make a law, and the Clerk failed to sign it. But the fact that the Senate bill has come back here attached to the House amendment seems to the Chair to be reasonable proof that the document that purports to be the report from the House that is included in this bundle of papers is the same document that the Clerk sent over to the Senate.

Mr. MANN. Well, that might be a guess. How can the Chair know that? It is presumed that the officers of the House properly perform their duties, in which case they sent to the Senate an attested copy of the House amendment.

The SPEAKER. Now comes the Clerk of the House and attests it. [Laughter.]

Mr. MANN. Without examining it?

The SPEAKER. The Chair will have him examine it.

Mr. SABATH. Mr. Speaker, it is rather late in the day for him to sign it.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is a lawyer—

Mr. MANN. Used to be—

The SPEAKER. And has seen a hundred times, if not more, orders entered nunc pro tunc in a nisi prius court without objection from anybody. If there was any doubt about this being the correct paper, of course we would not tolerate it for a second.

Mr. MANN. Mr. Speaker, I do not know but that I would rule the same way the Speaker has ruled if I were in the chair.

The SPEAKER. That is what the Chair thinks himself. [Laughter.] Mr. MANN. I make a further point of order. The matter is before the House, and perhaps some other Members desire to make a point of order. But the conferees have included matters in the conference report which were not in disagreement.

The SPEAKER. The gentleman will suspend a moment. The gentleman from Pennsylvania [Mr. MOORE] a while ago asked the Chair if the time had come to raise the question of consideration.

Mr. MOORE of Pennsylvania. I want to raise that question when the time comes.

Mr. MANN. I do not think that question can be raised until there has been a disposition of the point of order.

Mr. MOORE of Pennsylvania. I think I addressed the Chair in the interim between the determination of one point of order and the other.

The SPEAKER. The Chair thinks that if the House is not going to consider the bill there is no use arguing points of order about it.

Mr. MANN. If the question is raised, I think it is probably beyond a point of order, but I do not care.

The SPEAKER. The Chair will hear the gentleman on his point of order as soon as this question is determined. The question is, Will the House now consider this conference report on the immigration bill?

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Does the consideration of this motion preclude the making of other motions, such as to lay on the table, or should they be made now?

The SPEAKER. Oh, no; they can be made afterwards.

Mr. HAMILL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAMILL. For the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMILL. Is it in order now, before the determination of this motion, to present a motion for the postponement of the consideration of this conference report?

The SPEAKER. That will come afterwards. The question is, Will the House consider this conference report at this time?

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. Certainly.

Mr. SIMMONS. I thought the Senator from Massachusetts had concluded.

Mr. LODGE. No; I had not. I have just a few more words to say.

Mr. SIMMONS. If the Senator will permit me, I can say right now what I desire to say.

Mr. LODGE. Certainly.

Mr. SIMMONS. The proposed provision for penal certificates follows immediately after the clause with reference to exclusion on account of crime?

Mr. LODGE. Yes; it is in connection with that.

Mr. SIMMONS. The clause immediately preceding is:

Persons who have committed a felony or other crime or misdemeanor involving moral turpitude.

Then follows the clause that is in controversy. I imagine that everybody is anxious for this country to exclude the criminal classes of Europe. I imagine that one of the most difficult things immigrant officers have to deal with is the matter of determining who are subject to this provision and who are not.

The Senator from New York suggests that if this amendment inserted by the conferees is allowed to stand, the countries of Europe might pass laws requiring these penal certificates and thereby exclude the classes that otherwise might be admitted to this country. I should like to ask the Senator if he does not think it would help this country to exclude the criminal classes if all the countries of Europe were to adopt laws providing for penal certificates, so that we might have the finding of those countries that this and that man was a criminal without having to search the records ourselves in order to get the information which it is so difficult to secure?

Mr. O'GORMAN. Mr. President, may I say a word?

Mr. LODGE. Mr. President, in reply to the Senator from North Carolina. I will say that I think it would be of very great assistance.

I yield to the Senator from New York.

Mr. O'GORMAN. I am afraid the Senator from North Carolina misconceives the view I entertain with respect to the harmful tendencies of this provision. If this provision be adopted, it will be within the power of every foreign nation to make a rule or enact a law requiring every person, before leaving the country, to procure a certificate of good character, and then they may be indifferent about furnishing the certificate; so that the harm will not reach the criminal alluded to by the Senator from North Carolina. As to the criminal, we are in perfect accord; but it may be the means by which honest, worthy men, eager to come to the United States, may be prevented from landing here, because they may be denied a certificate to which in justice they would be entitled, but which may be withheld from them so long as it suits the purposes of the nation in question, so long as it is anxious to restrict, discourage, or prohibit its subjects from coming to the United States.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. Certainly.

Mr. JOHNSTON of Alabama. I wish to suggest to the Senator from New York that if we found any foreign nation adopting any such plan as that, to prohibit the emigration of industrious and worthy citizens, we could very easily repeal this clause.

Mr. LODGE. Perfectly easily.

Mr. O'GORMAN. I do not know how easily it could be done.

Mr. JOHNSTON of Alabama. We have all stood against any clause of that kind which affected honest, upright citizens.

Mr. LODGE. Mr. President, what the Senator from Alabama says is perfectly true, of course. Nobody would for a moment favor such a clause if it could be twisted into the uses which the Senator from New York thinks possible. If anything of that sort occurred it would be a matter of great ease to change it.

I will say just one word more. Italy has issued these certificates. We have used them, of course, as a matter of evidence. It has not had the effect of checking emigration from Italy at all. It has been a protection to the innocent immigrant, because there he had complete proof at once that he had no criminal record, whereas it is a very easy thing for some enemy, perhaps somebody on board ship he has a quarrel with, to make a suggestion that he has a criminal record, and then he is held up for days that the matter may be looked into. My own belief is that it protects the innocent instead of injuring them. But if any such result flowed from this, it is within our power to stop it in a moment. There would not be the slightest difficulty about that.

I desire to call the attention of the Senate to the fact that this is but one small clause, easily disposed of if put to bad uses, in a great bill such as occupied the attention of Congress, through the Immigration Commission and through both its committees, for years. It contains new provisions of the very greatest importance to the better administration of our criminal laws.

I am not speaking now of the illiteracy test, which has been the point in contest. For instance, we have some 15,000 aliens excluded under our laws who come back here as seamen on ships, shipping just for the voyage, getting in those ships and passing into this country, perhaps diseased, perhaps with criminal records, without any examination at all. For the first time we have made provision for meeting that very serious difficulty.

The whole administration of the Immigration Service has been greatly improved by this bill. An immense amount of work has been put upon it. The bill passed the Senate carrying all these provisions, except the one we are now discussing, with only 9 votes against it. It passed the House by a vote of over 3 to 1. This is the Senate bill substantially as it was before us. I described the slight changes in the illiteracy test, and those the Senate conferees receded from and made it only reading instead of both reading and writing, as it passed here.

The rest of the bill is substantially the bill as it passed the Senate by that great vote. In the same way the House passed it by overwhelming majorities. The conferees have been at work on it for many days. It has been a bill which involved the greatest possible care and study. I have no doubt there are mistakes in it; in a bill of such magnitude there are certain to be mistakes; but I believe it is as nearly perfect as the department, the Immigration Commission, the immigrant officials, and the two Houses of Congress through their committee can make it, and I am extremely anxious that the report should be agreed to.

If I did not firmly believe there was misapprehension in regard to this clause and the fears suggested by the Senator from New York were wholly unfounded, I should feel exactly as he does, but I am certain that if by any possibility, which I consider to be out of the question, there should be any attempt to use that clause for the purposes the Senator from New York suggests, no Member of Congress would tolerate it for a moment, and the clause would be stricken from the law as rapidly as the forms of legislation could be complied with. But I think it would be a great misfortune not to pass this bill now and send it to the President.

Mr. O'GORMAN. I should like to ask the Senator from Massachusetts one further question. Is it not a fact that in Russia, perhaps in Germany and in some other European countries, a native who leaves the country in violation of the rules respecting the military organizations and the necessity of enlisting is regarded as a criminal?

Mr. LODGE. They are not regarded as criminals by us, and this would not affect that.

Mr. O'GORMAN. I am speaking now of those foreign countries. To be specific: Is it not the case with Germany to-day that a subject of that country who leaves without performing his military service is a criminal in the eyes of the German nation? It is true also in Russia and in other European countries. Would not such men be denied by those countries a certificate of good character no matter how virtuous their lives may have been and however deserving they are of taking a place in this country as citizens?

Mr. LODGE. The fact that he avoided military service would not become a crime until he reached here and if it was a crime for him to leave without having performed his military service.

Mr. O'GORMAN. I do not agree with the Senator with respect to that provision.

Mr. LODGE. Because if he stayed there he would not be a criminal.

Mr. O'GORMAN. If he stated that he intended to leave the country at a certain time, the certificate would be withheld, because in the view of the local authority he was seeking to evade military duty.

Mr. LODGE. I do not see how it could possibly be effective, because it would not be incurred until after he had come to this country.

Mr. O'GORMAN. I can see how it would occur before.

Mr. STONE. How would he get the certificate?

Mr. LODGE. They have the certificate now in Germany; that is, they have certificates of citizenship.

Mr. O'GORMAN. The Senator says he might escape and it would not be known until he came to this country, but would he come here with a good character certificate, such as is contemplated by this provision?

Mr. LODGE. Of course he would.

Mr. O'GORMAN. He would get it?

Mr. LODGE. Certainly he would have his character certificate. A man can get this certificate without intending to emigrate at all. It is not a prerequisite. It is issued to all citizens of Italy alike, as I understand it.

But, Mr. President, there is no danger. This is connected with the immediately preceding clause, which defines the persons excluded for crime who have committed a felony or other crime or misdemeanor involving moral turpitude. You could not abandon that definition in deciding whether the man was a criminal.

Mr. O'GORMAN. I can not agree with the Senator from Massachusetts. There is no personal relation or connection be-

tween the two propositions. They are absolutely separate and distinct, because the force of one is not affected by the other provision. We have a naked, bald proposition that no citizen or subject of a foreign country shall be permitted to land in the United States unless he is able to produce to the immigrant officials a certificate of good character, if such certificates are issued in the foreign country. While at the present time, perhaps, there are only two countries, Italy and Russia, issuing such certificates—

Mr. LODGE. Russia issues no such certificate.

Mr. O'GORMAN. The equivalent of such a certificate.

Mr. LODGE. No.

Mr. O'GORMAN. It is so stated.

Mr. LODGE. Those are the conditions of getting a passport. This is a certificate, not a passport.

Mr. O'GORMAN. But apart from the circumstance as to whether Russia to-day issues such a certificate as suggested, in my judgment the adoption of this law will be an encouragement to every foreign power to immediately provide for the issuance of a certificate of character, knowing that the United States would not receive anyone not possessing such a certificate.

Mr. LODGE. I can only say that I do not think that interpretation could be put upon it; in the second place, I do not think there is the slightest practical danger of it because other countries have already refused; and, finally, if such a state of things should arise, it is within our power to end it within 48 hours.

Mr. GRONNA. Mr. President, as a member of the Immigration Committee I would hesitate to discuss any of the provisions of the bill as it passed the Senate, because the chairman of this committee has shown the utmost courtesy to me, and I believe to the entire membership of the committee. I am, however, very much opposed to the new matter that has been inserted in the bill.

It may be true, as has been stated, that there is only one, although I believe there are two countries that issue penal certificates, namely, Italy and Asiatic Turkey. But be that as it may, Mr. President, I believe that this is a very unwise provision. Anyone familiar with the conditions in northern Europe to-day knows that in all of the north European countries they are, as a rule, very much opposed to the emigration of their young men from those countries.

Take Germany, for instance. Will anyone suppose that we would get the splendid citizenship from that country if this provision is left in the bill? Within six months it will bar out every male German and Scandinavian of the age for military service, as Germany, which does not desire the emigration of its young men, will be glad to take advantage of this provision. As to Italy, it puts it in the power of the mayors of the cities of Italy to issue certificates to their least desirable, and the bill provides no way of authenticating these certificates. But, above these considerations, the bill puts into the hands of European nations the right to say which of their citizens or subjects shall come to us. We have heretofore maintained our right to say whom we shall admit or exclude, but this proposal is to abdicate that right. It will keep out the Jews from Russia, Armenia, and Austria and the Armenian and other Christians from Turkey. If it had been in force in 1848, it would have kept out Germans like Carl Schurz, who fled after the German revolutions, and it is an outrageous provision to be thought of by a free country. Incidentally it nullifies, at the option of foreign countries, every favorable proviso in the immigration law.

The new provision I find is on page 3 of the conference report. I will read the first two lines on page 2:

That the following classes of aliens shall be excluded from admission into the United States.

Then it goes on to name different classes to be excluded, which I will omit, but the language inserted as a new matter reads as follows:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

It is perfectly evident, Mr. President, that unless the immigrants have those certificates they will not be admitted to this country. It is obvious that in any of the foreign countries where they are opposed to the emigration of their young men regulations will be made requiring these certificates, and these certificates they will not be able to obtain.

So, Mr. President, I believe that we should ask to have this report referred to the committee of conference. I do not care to argue the point of order made against it, but we know that it is new matter; that it is matter which was neither in the House bill nor in the Senate bill.

It has been said that we must restrict immigration in order to give labor a better and a fairer show.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

Mr. GRONNA. I will be glad to yield.

Mr. LA FOLLETTE. I believe, Mr. President, that this is a matter of sufficient importance to have it discussed in the presence of a quorum if it can be, and as a quorum will have to pass upon it ultimately, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Wisconsin suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	McCumber	Smith, Ariz.
Bankhead	Fletcher	McLean	Smoot
Bourne	Foster	Martin, Va.	Stephenson
Bradley	Gallinger	Martine, N. J.	Stone
Brandeggee	Gardner	Myers	Sutherland
Bristow	Gore	O'Gorman	Swanson
Brown	Gronna	Oliver	Thomas
Bryan	Heiskell	Paynter	Thornton
Burton	Jackson	Percy	Tillman
Catron	Johnson, Me.	Perkins	Townsend
Chilton	Johnston, Ala.	Perky	Wetmore
Clapp	Jones	Polindexter	Williams
Clarke, Ark.	Kern	Pomerene	Works
Crawford	La Follette	Sanders	
Cummins	Lippitt	Shively	
Dillingham	Lodge	Simmons	

Mr. STONE. I desire to make the announcement that my colleague [Mr. REED] is unavoidably absent from the city.

Mr. KERN. I wish to announce the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH] on account of illness in his family.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. A quorum of the Senate is present. The Senator from North Dakota will proceed.

Mr. GRONNA. Mr. President, as I said, I am very much opposed to the provision that has been inserted in the conference report, because I believe that it is an unwise provision; that it is wholly unnecessary so far as this country is concerned; that it is a dangerous precedent to establish; and that it is an admission of weakness by us as a great Nation to say that we are incapable of providing whom we shall admit or whom we want to exclude as immigrants to this country.

It is claimed by some that we must not oppose this bill or any provision of it because it has been asked by labor organizations to have these provisions inserted. No one will go further to protect labor than I; but labor organizations, sir, have no more right to ask the American Congress to enact into law provisions that will be detrimental to the country at large than have any other class of our people. We who come from the West, who desire immigration, who are interested in seeing that progress is made, and that our new country is developed, feel that we have a right to be heard on this question. No one is more anxious than I to exclude every alien, I care not from what country he may come, who will not make a good law-abiding citizen when he comes to this country.

There is another provision which I want to touch upon briefly, and that is the increase in the head tax. I believe that tax was increased on the floor of the Senate. If I remember correctly, the bill as it was reported from the committee provided for a \$4 head tax.

Mr. LODGE. It was increased on the floor of the Senate. Five dollars was the provision in the bill as it passed the Senate.

Mr. GRONNA. Yes. I thank the Senator.

Mr. President, what is the necessity of increasing this head tax, when in the year 1911 there was a surplus in this fund of more than a million dollars? Upon whom will this burden bear the heaviest? Will it fall upon those who come here seeking labor and then return to their native lands, or will it fall upon those who come here with their families seeking homes? We all know that those who come from the northern part of Europe are those who come with large families. This head tax must be paid by them; and it is upon that class of people that the burden will fall.

So far as the people from northern Europe are concerned, it matters but little what kind of illiteracy test you apply. Nearly all of those who come from Ireland, from Scotland, from England, from the Scandinavian countries, and from Germany can read and write. Statistics show that. I am not complaining, however, of the provision in this bill so far as the illiteracy test is concerned, because the old provisions of the law remain in the bill. The writing test is not applied as the Senate bill provided when it passed this Chamber.

I said a moment ago, and I say again, Mr. President, that subjects coming from such countries as Germany and the Scandinavian countries would be barred in a few months from com-

ing into this country. None of those countries desire that their young men shall emigrate from their shores; they wish to keep them home, and there are laws on the statute books of those countries making it a crime when an emigrant leaves his country to escape military service. How, then, would it be possible for such men to get their certificate of good character or good conduct? So I believe, Mr. President, that this is of such great importance that the bill should be recommitted to the conference committee and that we should insist that this language shall be taken out of it.

I have just received a telegram from New York from a gentleman whom I know very well, and I wish to have his telegram read and incorporated in my remarks.

The PRESIDENT pro tempore. Without objection, that order will be made. The Secretary will read the telegram.

The Secretary read as follows:

NEW YORK, January 20, 1913.

Hon. A. J. GRONNA,
Washington, D. C.:

Society of Friends of Russian Freedom protests against character-certificate provision in immigration conference bill as encouragement to oppression and reversal of our traditional policy of welcoming liberty-loving immigrants.

HERBERT PARSONS, President.

Mr. GRONNA. Mr. President, I have also received another telegram, which I shall not ask to have printed, because a similar one has formerly been ordered printed in the RECORD, but I have asked that the telegram just read be printed because it is signed by an influential, honorable ex-Member of the other House.

There are other provisions in the bill to which I might call attention, but I shall not take up any more time of the Senate. I believe, however, that this country has been benefited by its liberal policies and its liberal immigration laws. I care not what restrictions are made to keep out the criminal class; we are all equally patriotic in seeing that none but good, honest, law-abiding men shall come to our shores and become citizens of this great country; but we also have the right, so long as the condition exists that we need more people, to have proper legislation on this subject. Nothing can benefit the western country more, Mr. President, than the immigration of good, honest, law-abiding citizens to this country. The men engaged in the industries of our country are entitled to some consideration, and I ask you who will take the places of some of the men who are working in the ditch? It is just as important to the success and the welfare of our people to have those come here as it is to have men who are engaged in the professions and the trades. Very few of the native born are willing to take their places.

So, Mr. President, I sincerely hope that the distinguished chairman of the Committee on Immigration will not insist that this conference report shall be adopted before it has again been considered by the conference committee.

Mr. SHIVELY. I ask the attention of the Senator from Massachusetts for a moment. What does the Senator understand is meant by the penal certificate?

Mr. LODGE. The penal certificate, as I understand, under the practice in vogue in Italy, is a certificate showing whether or not a man has been convicted of crime.

Mr. SHIVELY. And under this bill the immigrant is required to produce that certificate, if he has it?

Mr. LODGE. Yes.

Mr. SHIVELY. And if he produces it does that fact admit him?

Mr. LODGE. No. The object is to secure knowledge as to those who are criminals.

Mr. SHIVELY. Section 3 begins:

That the following classes of aliens—

Mr. LODGE. If he produces a penal certificate, unless he can show he was not convicted of a crime involving moral turpitude, it would exclude him.

Mr. SHIVELY. As I understand, he would fall within the class to be excluded. Section 3 provides:

That the following classes of aliens shall be excluded from admission into the United States.

And, then, after a series of descriptions of classes to be excluded, the following language is used:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

Mr. LODGE. That is a certificate of character showing that he never has been convicted for a penal offense.

Mr. SHIVELY. Then, he must produce either a penal certificate or a certificate of good character before he can be admitted?

Mr. LODGE. That is simply a different denomination of the certificate. It is really a certificate to the effect simply that

he has never committed a crime. The two classes of certificates are really descriptions of the same thing.

Mr. SHIVELY. Does the Senator mean that they refer to the same document? Do penal certificates and certificates of character mean the same thing?

Mr. LODGE. They are practically the same certificate. One is called "a penal certificate," and that excludes the immigrant if it shows that he has been convicted of a crime. The other shows no crime, of course, but is simply a certificate of character. If it shows a crime, it is a penal certificate.

Mr. SHIVELY. Does the Senator mean to say that the provision I have quoted would not require every person who applies for admission to produce a certificate of this kind?

Mr. LODGE. No; only when the immigrant comes from a country where they issue certificates of character. For instance, Italy issues them, and has done so for some time. Russia was asked if she would not issue certificates of that character, and declined. She said it was entirely impracticable.

Mr. SHIVELY. I recall the alleged incident that Oliver Cromwell and John Hampden were at one time on the point of embarking for the New World.

Mr. LODGE. They were suspected of that intention.

Mr. SHIVELY. Yes; and it is claimed that they were detained and restrained from taking their departure by the British Government. If the British had in force to-day provisions of law for the issue of the certificates referred to in and contemplated by the language of these lines of the conference report, and were Cromwell and Hampden living to-day, neither could be admitted to this country under the proposed procedure without producing such certificate, could he?

Mr. LODGE. No, Mr. President, all citizens of Italy have these certificates of good character, as I understand, just as they have certificates of citizenship, and whether they are going to migrate or not makes no difference. It is not a prerequisite of migration. If a man is going to migrate he does not have to procure such a certificate; he has it anyway; he does not have to give notice.

Mr. SHIVELY. How does the certificate of character become associated with or merged in the penal certificate?

Mr. LODGE. Of course, if a man holding a certificate of character is tried and convicted of an offense, then the entry that he has been convicted of a crime is made on his certificate, and it is returned to him with that entry; but he has that certificate; everybody there has one, without regard to migration.

Mr. SHIVELY. The Senator says this rule of issue of certificates is at present in force only in Italy?

Mr. LODGE. That is true of Italy to-day, but it has no effect at all on Italian immigration.

Mr. SHIVELY. It is a rule easily capable of adoption in every European country. Whether the rule be made with or without reference to immigration, the certificate issued by a foreign Government becomes determining whether the immigrant shall be admitted to the United States. The applicant must be provided with the certificate from a foreign Government. Such requirement is directly in the teeth of our well-settled and long-cherished doctrine on the right of expatriation.

Mr. LODGE. He would have the certificate in any event. It is only a question of whether we require it.

Mr. SHIVELY. Oh, yes; he would have the certificate in any event if his Government required him to have it, but it is only—

Mr. LODGE. He would not have to go and ask for it.

Mr. SHIVELY. But it is only in the event that the lines in this conference report that I have quoted become law that the certificate issued by a foreign Government would carry any significance so far as admission of its bearer to the United States is concerned.

Mr. LODGE. Yes; it would have no value to him as an innocent man—none whatever.

Mr. LA FOLLETTE. Mr. President, the last remark of the Senator from Massachusetts is indicative of the wrong basis upon which this discussion has proceeded. It has proceeded upon the assumption that this provision was intended to apply only to criminals—those seeking admission to this country as immigrants who have been convicted of crime.

Mr. LODGE. That is its intent.

Mr. LA FOLLETTE. If that is its intent, it is so worded as to go entirely beyond the purpose of those who framed it. It can have but one effect. Observe the language of the provision. After enumerating several classes of aliens to be prohibited, in the exclusion of which all will agree, the conferees add the following:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the officials such a certificate.

That clause provides not only for penal certificates, but it also provides for certificates of character. Make that the law and no citizen or subject of any country can expatriate himself excepting with the consent of his Government.

Mr. ROOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. Certainly.

Mr. ROOT. I would not go so far as the Senator from Wisconsin and say that it can have but one effect. I think there is a legitimate effect—that is, to require persons coming here from countries that give penal certificates to produce the certificates, so that the immigration officers may have that very easy evidence regarding their character.

I have no doubt that that was the intention of the provision, and that it would have that effect. But I think it ought to be guarded so that it will not also produce the other effect that the Senator from Wisconsin suggests.

Mr. LA FOLLETTE. I am very glad to hear the Senator from New York make that declaration, because if all that was required and all that was intended by this clause was what the Senator from New York now says it should provide, it should be limited to penal certificates.

Mr. President, I want to turn aside just for a moment to comment on the wide latitude given to conferees, of which this is one of the most striking examples, in the way of engrafting onto legislation new matter which neither House of Congress has ever considered. Sir, the rules and the precedents of this body and the body at the other end of the Capitol have been so framed as to put legislation in the hands of a very few men. I venture to hope, Mr. President, that the day is near at hand when both branches of Congress will be made more democratic and more responsive to the public will.

Here is a provision inserted in this bill which never had a moment's consideration in the Senate nor in the House of Representatives—a provision of the widest sweep and the most important effect, if it is to be enacted into law, upon the future of this country and the class of immigrants that are to be admitted to citizenship.

Why, sir, under the provisions of the clause which is now under discussion Carl Schurz would have been excluded from this country; also the great body of German refugees and emigrants from northern Europe who were resisting the encroachments of tyranny in the Old World. That period seemed to be one of the cycles in the life of liberty of the human race. In Germany, in France, in Austria-Hungary, in Poland, all over Europe, empire was crowding liberty back to the wall.

Carl Schurz broke jail and came to this country with some of his associates. Thank the Lord for it! He came up into Wisconsin. The thousands of liberty-loving Germans and emigrants from northern Europe that came into the State in which I had my birth laid at that time the foundations for the thoroughly democratic population which has gone leagues ahead of all the other Commonwealths of this country in bringing government back to the people.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. Oh, in just a moment, if the Senator will permit. I suppose the Senator rises to call my attention to the fact that this bill provides that people convicted of political crimes are not excluded. Am I right?

Mr. LODGE. Yes.

Mr. LA FOLLETTE. That is what I anticipated. But Carl Schurz had not been convicted of a political crime. And this conference report would admit to this country only those who have been actually convicted of political crime, but not those who have been persecuted for their political opinions; not those who love liberty and who have preached the doctrine of a republican form of government in Russia and in other countries of the Old World—and there are thousands and thousands of them doing it to-day. They can not have the shield of protection of this bill as you propose it unless they have been put upon their trial and convicted of a political crime.

If they have been under police surveillance and police espionage, watched and dogged at every step and turn, and finally, in despair of enlarging the liberties of the people of their own country, they desire to seek a home for themselves and their families in America, they would have small chance indeed of procuring a certificate of good character, without which they would be excluded from this country under this provision.

How can a subject of Russia get a certificate of good character in the Russian Empire? You can not leave that empire to come to America without a passport. You can not get a passport without its being signed by the governor of the province in which

you live. You can not get the signature of the governor of the province in which you live without its first being certified by the police authorities that you are a suitable person, according to Russian police standards, to receive that passport. It may be that you have not been convicted of any political crime. It may be that you have simply published some pamphlet advocating larger freedom for the people of Russia. If you have done that you fall under police surveillance, and you can not hope to get the certificate of the police which will enable you to apply for the passport of the governor of the province in which you live. Therefore you can not get a passport at all. Without a passport you can not get a certificate under the proposed law, of course.

Mr. LODGE. It does not seem to me that that follows.

Mr. LA FOLLETTE. Why, Mr. President, here is a nation that will not permit its subjects to leave the country without a passport.

Mr. LODGE. But the Senator is aware, of course, that thousands come from Russia without passports.

Mr. LA FOLLETTE. Ah! But does the Senator suppose they come with the approval of Russia? No.

Mr. LODGE. Certainly not.

Mr. LA FOLLETTE. No; no. They come surreptitiously across the border; and if they come in that way, does the Senator suppose they are going to be able under this new provision of law to apply for and get a certificate of good character from the Government?

Mr. LODGE. Of course not. Russia does not issue those certificates.

Mr. LA FOLLETTE. No; but the day after this bill becomes a statute Russia can adopt a provision that will make it applicable to every single subject that leaves her borders.

Here is a most ingenious device engrafted upon this bill by the conferees—not intentionally, I am bound to say, but inadvertently, I have to say—to promote and aid the system that prevails in Russia to-day, to restrain from coming to this country those of her subjects who may wish to come over here and preach larger liberty for Russia.

It was suggested in the debate on this paragraph in the House that any one of the governments would be glad to get rid of these disturbing subjects and to give them these certificates to come to this country. Not so. We would get, under this provision, those whom they could easily and would willingly spare. But the virile, sturdy, aggressive, progressive subjects of every country, who make the foundation stock of our best civilization when mixed with the blood of New England and every other State, we would not get. They would be retained in Germany to serve in the army; they would be kept in Russia, where they would be under their strict police system. Why? Because they fear them in America more than they do in Russia.

Mr. President, I do not mean to speak discourteously of the conferees, but think of the proposition of turning over to another country the determination of what class of immigrants shall be received in the United States! If they be not diseased, we may receive the weaklings of a foreign country. But the sturdy, virile type which makes up the German Army and the French Army and the armies of the other countries of Europe that require military service would be denied admission here because, unless the country wants to part with them and gives them certificates, they can not be admitted. The Secretary of Commerce and Labor has no discretion in the matter. No officer of this Government can exercise any discretion. The certificate of a foreign country disposes of the whole matter.

Mr. President, I remember that when this conference report was under discussion in another place in the Capitol the criticism which I am making was met in this way: It was said that Russia would be very glad to get rid of the people who were making political disturbances over there. Russia knows better than did the gentleman who made that argument. Russia knows that one free tongue in New York is more harmful to Russian despotism than 10,000 shackled subjects in Siberia. No! Russia does not want—and I am constrained to believe that that is the reason why some other people do not want—these people who are seeking freedom for mankind admitted to the United States.

Mr. President, they are not only a menace to Russia, they are a menace to plutocracy in America. There are some gentlemen in various places in our social order who are defending plutocracy and guarding every encroachment upon its sacred preserve.

The PRESIDENT pro tempore. The Senator from Wisconsin will suspend for a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. WORKS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from California asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. Mr. President, any person who has been active in founding a republican form of government in Russia such as we enjoy could only come to this country by leaving Russia surreptitiously. There is not any question about that at all. They can not get a passport, and they can not get a certificate of good character.

Of course, if it is your purpose to exclude those people from coming here—that is, people who are opposed to the Russian system but who do believe in the system of government we have in the United States, and who would like to see that system of government adopted in Russia—if you want to exclude the subjects of Russia who so believe when disheartened in the fight for Russian freedom they seek an asylum in this country, and if you wish to deny them that asylum, stand for this provision that the conferees have put into this immigration bill without a moment's consideration from either branch of Congress.

I started with my opening word upon this subject to say something in criticism of that practice by conference committees. We have seen it many times.

A conference report has to be accepted or rejected in toto. You have to swallow the whole conference report or you have to defeat all the good things in the conference report in order to get some one bad thing taken out.

I tell you, Mr. President, that is a vicious practice in legislation, and to the Senators who are to have some power in molding the rules under which laws shall be framed in future, let me appeal to you to give your attention to reforming this abuse.

Let me recall something to your minds. In May, 1908, I stood on this floor for 19 hours protesting against the passage of a bill. I did not do that as an exhibition of my physical endurance. I believed that that bill was a bad bill, but the methods employed to pass that bill I believed to be vicious, and I was willing to go to the very limit of risk in order to emphasize to the country the iniquity of that proceeding.

It was an emergency currency bill—the so-called Vreeland-Aldrich currency bill. It had been proposed in the Senate. It had been put upon its passage in the Senate. When it was proposed in the Senate it contained a provision that railroad bonds should be made the basis of the issuance of emergency currency. Since 1903 there had been pending an appeal to Congress from the Interstate Commerce Commission to value the physical properties of railroads of the country in order to determine how much the railroad securities represent actual investment and how much they represent water—a fraud upon the American public.

Without any determination on the part of the Government, pursuant to the recommendations of the Interstate Commerce Commission as to the real, true value, the real investment in the railroads in this country in the Aldrich-Vreeland bill, it was proposed through this side door to work into the foundation, as it were, the financial system of this country, as a basis for circulation, railroad bonds, regardless of the value that was back of them. I was opposed to that, Mr. President, and gave notice that I should attack it. Twenty minutes before I took the floor to make my argument against the railroad-bond provision in the emergency currency bill Senator Aldrich, the leader on the Republican side, withdrew the proposition making railroad bonds one of the securities upon which emergency currency could issue. Why? Because he well knew that he could not stand for a moment the attack that would be made, based upon the historic and economic development of the railroads of the country and the known facts as to fictitious capitalization. So 20 minutes before I was to begin an argument he rose and withdrew that provision. Then what happened? I took the floor. I made my argument notwithstanding the withdrawal. I predicted that that proposition withdrawn would be found in the conference report before that legislation was over.

Now, what happened? The bill passed the Senate. It was finally thrown into conference. Shortly thereafter we were told that the conferees could not agree, and that no legislation upon that subject would be enacted. Finally, just at the close of the session, when it was impossible to secure serious consideration for any measure, Congress and the country were suddenly informed that the conferees had agreed, and the Aldrich-Vreeland bill, in the form of a conference report, was thrust upon the House and the Senate.

And in that conference report, Mr. President, just as I had predicted, the railroad-bond provision had a secure place.

Do you understand, Senators? The railroad-bond provision was back in the bill, not in the original form, for under the bill as it came from the Committee on Finance there were some restrictions as to the bonds which might be accepted as a basis for emergency currency circulation. But as the provision appeared in the conference report any sort of railroad bonds could be accepted as security.

Mr. President, that is a bad method, a vicious method of legislating, and we should make an end of it at once and for all time.

Now, take this conference report. It is an exemplification of the abuse. I do not mean to reflect on the Senators who were on the conference. They have done what other Senators have done. The rules and the practice sanctions it. I think the Senator from Massachusetts is absolutely right. He is within the precedents and within the decisions of the House of Representatives, and I am not assailing the conferees. But I am assailing this system. It is not the way to legislate, Senators. It does not reflect the will of the people in legislation, and that is what our kind of a government ought to mean.

Now, Mr. President, I beg pardon of the Senate for having digressed at such length. I did not intend to do so. I just want to call attention to another provision in this conference report that I am sure escaped the attention of the Senator from Massachusetts. As to that portion of the conference report which I have discussed I am led to believe that the Senator from Massachusetts regarded this certificate provision as applying only to convicts.

Mr. LODGE. I certainly did not suppose it was open or susceptible to the interpretation which has been put upon it by Senators or I never would have agreed to it, and no other member of the conference would have agreed to it.

Mr. LA FOLLETTE. I am bound to believe that; but I submit when you read the language it is evident that my contention is right. Of course, we all know how conference reports are adopted. It may be that it was adopted at the end of a long conference, that had exhausted the members of that conference committee.

Mr. LODGE. I will say, if the Senator will permit me to interrupt him, the history of that particular clause is that it was not adopted in that way. It was a suggestion from the department and was very strongly urged by the department.

Mr. LA FOLLETTE. I remember now, since the Senator from Massachusetts says so, that it is in the recommendations of the—

Mr. LODGE. It is in the draft of the bill sent up to the Senate by the Commissioner General of Immigration.

Mr. LA FOLLETTE. That leads me to wonder why it did not find its place in one or the other of the bills, in view of the fact that it had the indorsement of this official.

Mr. LODGE. I mean the draft of the bill of the Department of Commerce and Labor.

Mr. LA FOLLETTE. I would not undertake to say that. It was not in the bill reported to the Senate and passed by the Senate.

Mr. LODGE. No; it was not.

Mr. LA FOLLETTE. Now, there is another matter that I want to call the attention of the conferees to. I have gathered here, Mr. President, a mass of cases, not suppositions, not speculations, but concrete cases which come within the provisions of this proposed law that would be excluded if it were to become a statute of the United States. I do not want, unless there is a disposition to press this matter, to take the time to read these particular cases. I will, if there is a disposition to do so; otherwise, I ask, Mr. President, to incorporate them in what I have to say.

In Russia a "certificate of good character" is required from every applicant for a foreign passport, and under the Russian law no one may leave the Empire without such a passport.

It is therefore clear that the Russian Government does issue "certificates of good character" to prospective emigrants. There are numerous other cases where the Russian law requires the production of a "certificate of good character."

Such certificates are issued by the police and may be denied in its discretion. The substance of the certificate is that the bearer has not been convicted of any crime. Under the antiquated Russian law such certificate could be denied to many persons innocent of any offense involving moral turpitude.

Section 1171 of the Russian Penal Code reads as follows:

Jews convicted of engaging in any mercantile pursuit except that which is allowed to them in specific cases provided by law, outside the pale assigned to them for permanent settlement, shall be sentenced to confiscation of their merchandise and immediate deportation.

There are a series of decisions of the supreme court of the Empire (the cassation departments of the governing senate) which illustrate the character of the offenses coming within the purview of this section.

In re Mandelstamm, which was No. 731 of the decisions rendered in 1874, it was held that a Jewish artisan is allowed to sell only the products of his own manufacture, but not the products of other factories than his own.

In re Goorvich (1877, No. 20) it was held that a Jewish baker may sell bread, but not flour.

In re Kroopkin (1877, No. 12) it was held that a Jewish butcher may sell meat from cattle slaughtered by him according to the Jewish rites only to his coreligionists, but not to gentiles.

The Jews in Russia are restricted in choice of domicile to urban settlements of a few provinces, and are debarred from the rest of the Empire. There are, however, special exemptions in favor of a few privileged classes of Jewish citizens. Among these are graduates of dental colleges.

Recently 200 Jewish merchants residing in Moscow, which is a forbidden city to Jews, were indicted for procuring illegally dentists' diplomas, which enabled them to live in Moscow and engage in business. The penalty for their offense ranges, under section 294 of the penal code, from imprisonment in a penitentiary for not less than two and one-half years to banishment to Siberia for life.

If these men, to whom all doors of opportunity to earn an honest living are shut in Russia, should attempt to enter this country they will be shut out, if this bill becomes a law, on the ground that they could not furnish a certificate of good character from the Russian police.

They were all men of means, and were making an honest living as business men. Yet the Russian law says that an ordinary Jewish citizen must not do business in Moscow. He may secure that privilege by renouncing the faith of his fathers and joining some Christian denomination, a form of religious persecution which is abhorrent to the spirit of our institutions.

Another class of offenders against the Russian law that would be debarred by the pending bill are young men who emigrate in order to evade compulsory service in the Russian army. Every young man of the age of 20 must report for two years of active service in the army. His labor may help support his parents and younger brothers and sisters, but he must give two years of his life to the Czar. Most people in Russia do it reluctantly. The Jewish recruit is as a rule transported for service to those Provinces where people of his race are ordinarily not permitted to reside. As soon as his term of service expires, he is ordered to leave the place and return to the place of his legal residence. Can he wax patriotic in the defense of a country from which he himself is excluded as a citizen?

Shall we who have no compulsory enlistments condemn him if he seeks to escape service in the army of a country which he leaves for good in order to become a citizen of the United States?

Still, such a man could not secure a certificate of good moral character from the Russian police.

The other day the cable news carried an item characteristic of Russian conditions. A detachment of 130 Cossacks, serving on the Austrian frontier, crossed over the boundary line to Austria, lay down their arms, and declared that they had left Russia for good. The Cossacks, it must be understood, are a special force used chiefly to suppress revolutionary outbreaks of the people. These 130 Cossacks got tired of such duties and resolved to leave the country rather than to shoot down their countrymen who are fighting for liberty. Should any of these Cossacks come to this country, we shall ask them to produce certificates of good character from the Russian police, and upon their failure to do so we shall send them back to Russia.

We have retrograded in our attitude toward political refugees. The act of August 3, 1882, which for the first time debarred foreign convicts, excepted "those convicted of political offenses." The act of March 3, 1891, made the exemption bill stronger by the insertion of the following proviso:

Provided, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor involving moral turpitude" by the laws of the lands whence he came, or by the court convicting.

The provision was in agreement with the best authorities on international law, which recognize that most political offenses are "admixt crimes," which would be considered common crimes if it were not for the political motive of the offender.

The reason for the exemption in favor of political refugees is the general recognition of the fact that men and women who fight tyranny in the country of their birth may prove very useful and peace-loving citizens in their adopted country. We have erected monuments in this city to two Polish political offenders, Kosciuszko and Pulaski.

I have referred to the German refugees who came to this country after the revolution of 1848 to escape capital punishment in their own country; some of them fought in our Civil

War. One of these revolutionists, Carl Schurz, sat in the Cabinet of a President, an honored leader of the Republican Party. The son of another of these revolutionists, Charles Nagel, is a member of the Cabinet of President Taft, and, by the irony of fate, under the provisions of this conference report, should it become a law, would be compelled to enforce the law barring immigrants guilty of political offenses which do not differ from those committed by the German revolutionists of 1848.

The bill as reported by the conference committee qualifies political offenses by adding the words "purely political," and further as "not involving moral turpitude."

Opinions may differ as to when an act is just simply political or "purely political," also whether or not it involves "moral turpitude." Arson, murder, when committed by an individual from personal motives are crimes involving moral turpitude. Yet when a revolution is on these same acts are generally looked upon as acts of heroism, and free nations erect monuments to their fighters for liberty who committed them.

Within the last few years the Russian Government made demands upon the United States for the extradition of its former subjects on the ground that they were guilty of common crimes, such as murder, arson, and assaults upon officials. In every case the League for the Defense of Political Refugees was able to prove to our officials by documentary evidence that the act complained of was of a political nature. But if this provision becomes law, a Secretary of Commerce and Labor who happens to regard such an act as involving moral turpitude will have the power to shut out such a revolutionist from this country on the ground that he can not produce a certificate of good moral character from his Government.

It appears from the case of the English newspaper man, Mylius, who is just now awaiting deportation under a decision of the Secretary of Commerce and Labor, that our law in effect denies an asylum to persons convicted of political offenses. The facts in this case deserve the closest attention of the Senate.

Mylius was convicted of "seditious libel" for accusing the King of England of bigamy. It appears from the record of the case that the English court regarded the offense as one of a political character. In fact, Mylius was tried not for libel, but for defamation of character. In a prosecution for libel truth is a complete defense. In a prosecution for defamation the defendant is not permitted to prove the truth of his accusations. Mylius offered evidence to prove the truth of his publication, but his evidence was not admitted.

There is a similar distinction in the New York Penal Code. A person may be prosecuted for defamation of character of a private citizen even though his accusations may be true. But there is a very important exception to this rule: If the complainant holds a public office and the accusation is made with a public purpose, truth is a complete defense. It is evident that a King holds a public office, and the allegation of Mylius that the object of his publication was to arouse the public sentiment against the institution of monarchy was very material. Certainly there was no personal malice in his act, for he is too far removed from the King to nurture any personal spite against him. If there ever was a "purely political offense," this was one of them. The Secretary of Commerce and Labor holds the political motive of the publication is insufficient to make it "a purely political offense" and that it "involves moral turpitude." And back to England Mylius must go. Under this interpretation the Declaration of Independence, which charged King George III that "he has plundered our seas, ravaged our coasts, burnt out towns, and destroyed the lives of our people," was libel involving moral turpitude. It is clear that the bill gives no adequate protection to political refugees.

Now, permit me to call the attention of the Senator from Massachusetts to one provision which I believe has wholly escaped the attention of the conferees. In the paragraph—

Mr. LODGE. From what section does the Senator read?

Mr. LA FOLLETTE. It is in section 3, in the paragraph beginning "All aliens." Has the Senator a copy of the conference report before him?

Mr. LODGE. I have that section before me.

Mr. LA FOLLETTE. It is section 3.

Mr. LODGE. Yes; I have section 3.

Mr. LA FOLLETTE. Now, just run along to the third paragraph beginning "All aliens over 16 years." Has the Senator found that?

Mr. LODGE. The illiteracy test?

Mr. LA FOLLETTE. Yes. Now, then:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish—

That is, they are excluded—

Provided, That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age—

That was "50 years of age" in the Senate bill. The age limit is raised for some reason.

Mr. LODGE. That is the House bill.

Mr. LA FOLLETTE. The provision continues:

his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to enter.

There is an omission right at that point. After the word "grandmother," there is omitted "of children over 18 years of age," which appeared in the Senate bill.

Mr. LODGE. The House insisted on their language at that point, and the argument they made was that this would admit the daughter at any age.

Mr. LA FOLLETTE. No; it admits the daughter if she is widowed.

Mr. LODGE. Oh, no; if unmarried or widowed. It admits the daughter at any age.

Mr. LA FOLLETTE. Yes; that is right.

Mr. LODGE. It admits sons under 16.

Mr. LA FOLLETTE. Yes.

Mr. LODGE. The House took the ground that a son over 16 could learn to read and write in order to be able to get in. They made that distinction, and insisted on it.

Mr. LA FOLLETTE. No son over that age; no boy.

Mr. LODGE. No son.

Mr. LA FOLLETTE. No boy over that age can be admitted to this country unless he can read and write although both his father and his mother and all the rest of the family are here. I can not believe that it ministers to the good of this country or to the betterment of social conditions to separate the father and the mother from their 16-year-old boy.

Mr. LODGE. I do not think that the cases that would arise would be very serious or very numerous.

Mr. LA FOLLETTE. Well, but if that rule—

Mr. LODGE. I see the Senator's point. If the matter should be reopened in conference, of course we would bring that point up.

Mr. LA FOLLETTE. It is not a question of how many are hurt, but whether any of those who in good faith cast their lot with us are made to suffer needlessly. The family is separated only temporarily—long enough for the father to come to this country to earn the money with which to bring over the wife and their boys and girls. The Senate of the United States ought not to stand for a provision that would deny the right, when the father and mother and daughters are here, to bring over the boys of 16, 17, 18, and 19, even though they might not meet the literacy test, when the father and mother have been admitted before that test went into effect. What a hardship to that family, and what a cruel wrong to those young boys, who will later, in all probability, come to this country and become a part of our political and social life, but who in the meantime have been deprived of the parents' guidance and of all the precious home ties. It can not make for good citizenship or be an advantage to this country.

There is a provision later on, at the end of that section, which reads:

Provided further, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

But a man must be five years in this country before he can become a citizen of the United States, and many good men within my own knowledge have been in this country much longer than that without becoming citizens. They have moved from one State to another in order to find employment or to secure better advantages for themselves and their families. These changes in residence sometimes make it difficult to secure the necessary two witnesses, so that under the provisions of this conference report many minor boys might be excluded whose parents are already here. It is wrong.

Now, Mr. President, I have taken more time than I intended, as I purposed only very briefly to point out the obvious wrongs that might result if the bill was not amended. I hope that there will be no opposition to sending it back to conference. Here is a great measure, of vital importance to the country. It can not be too well considered. I know that we need legislation upon this subject. Because of the large number of people of foreign birth that we have in Wisconsin, I have watched the progress of this kind of legislation since I was old enough to understand.

It has seemed to me the purpose of our legislation generally should be not so much the limitation as the improvement of immigration, the uplifting of the people who come here to

become a part of our citizenship. With that, Mr. President, I am most thoroughly and completely in sympathy.

But there is going on in many countries of Europe a struggle for larger freedom, with which the American people are in sympathy, and we should not write into a measure of this kind any provision that would militate against the great movement for a truer democracy that is sweeping over the world.

Mr. LA FOLLETTE subsequently said: I ask leave, in connection with my remarks, to print many telegrams which I have received, one of them from a former member of the Russian Douma, now living in Massachusetts, in which he makes a most touching and pathetic appeal for the dropping out of the provision which has been the subject of principal discussion here to-day, which I hope the Senators will find time to read.

The PRESIDENT pro tempore. Without objection, the order will be made.

The telegrams referred to are as follows:

DORCHESTER, MASS., January 20, 1913.

Senator LA FOLLETTE,
Washington, D. C.:

In behalf of my friends and political refugees from Russia I most emphatically protest against the clause of the pending immigration bill requiring from political refugees a certificate of character from their home Government. This will bar all political refugees coming from Russia, where they are denied all political and civil rights merely on account of their republican views inimical to the autocratic government of the Czar. I wish to emphasize the fact that even the members of the Duma who belong to opposition parties are prosecuted for their political beliefs and are forced to emigrate. Furthermore, I wish to state that political refugees never leave their countries upon their free will. They keep their places among their native people in their native country as long as they possibly can, fighting for freedom of their own nation. A successful revolution in any country means more happiness and more contentment among the bulk of the people. Bad home government makes for large immigration. Democratic governments are apt to keep their people home. It is my firm conviction that the great Republic of the United States should not help to thwart the government for freedom in Russia in trying to punish once more those who are being punished severely enough by the Czar's Government, which forces them unwillingly to choose banishment from their beloved country.

JOHN OSHOL,
Ex-Member of the Second Duma of Russia.

CHICAGO, ILL., January 20, 1913.

Senator ROBERT LA FOLLETTE,
Washington, D. C.:

Urge defeat conference bill requiring immigrant bringing certificate of character. Reversal of American policy.

GRACE ABBOTT,
Director Immigrants' Protective League.

NEW YORK, January 20, 1913.

Hon. R. M. LA FOLLETTE,
The Senate, Washington, D. C.:

Many thanks for telegraphing, giving me certificate provision in immigration conference report. Earnestly hope that provision will not be adopted. It would operate to deprive us of finest immigrants from oppressed people.

HERBERT PARSONS,
President Society Friends of Russian Freedom.

NEW YORK, January 19, 1913.

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Political Refugees' Defense League, New York, respectfully requests that you oppose provision in immigration bill demanding immigrant furnish certificates good character from Government issuing same. This means Russia only, who refuses such certificates to revolutionists, democrats, liberals, and all only suspected of opposition. Officials exact bribes from all not suspected for issuance certificates. Thousands honest immigrants unable to secure certificates for these and other reasons not within their control will be excluded, for Government will be tool of Russia.

POLITICAL REFUGEES' DEFENSE LEAGUE, NEW YORK,
M. OPPENHEIMER, Chairman.
Dr. PAUL S. KAPLAN, Treasurer.
SIMON O. POLLOCK, Attorney.

NEW YORK, January 19, 1913.

Senator LA FOLLETTE,
Senate, Washington, D. C.:

We protest vigorously against clause said to be included in immigration bill in conference committee which would demand from immigrants good character certificates from their government. Some of the best citizens America has had would have been excluded under such ruling. Please use your influence in Senate against this.

LILLIAN D. WALD,
Head Worker Henry Street Settlement.

CHICAGO, ILL., January 20, 1913.

ROBERT LA FOLLETTE,
United States Senate, Washington, D. C.:

Members of Immigrants' Protective League protest against proposed requirement of character test as unreasonable, oppressive, un-American, designed to strengthen the hand of oppressive government.

S. P. BRECKENRIDGE,
Secretary Immigrants' Protective League.

NEW YORK, January 19, 1913.

ROBERT M. LA FOLLETTE,

United States Senate, Washington, D. C.:

Conference immigration bill, in section 3, contains provisions not previously considered, excluding subjects of countries issuing character certificate failing to produce such certificate to immigration officials. This will exclude majority Jews coming from Russia and Roumania, owing to practical legal difficulties attending procurement of certificates, the compliance with elaborate conditions imposed, their military regulations, and the large expense involved. How could victims of Kishineff or the thousands constantly expelled from their homes by police or those suspected of being political offenders expect to secure such a certificate? Such reversal of our attitude toward the persecuted can not be intended. Bill should be amended to preclude cruel consequences inevitably resulting from present phraseology.

LOUIS MARSHALL,
President American Jewish Committee.

DORCHESTER, MASS., January 20, 1913.

Senator LA FOLLETTE,
Washington, D. C.:

In behalf of the Boston Political Defense League, we emphatically protest against the pending immigration bill, particularly against the clause requiring from immigrants a certificate of character from their Government. This would be tantamount to absolute exclusion of political refugees from Russia, whose Government stamps as crime any political view differing from those of autocracy and tyranny, and whose courts and officials regard any immigrant leaving the country without the consent of the Czar's Government as criminal and outlaw, whose property may be confiscated. It is our firm belief and hope that the Republic of the United States will not become a party to the oppressive policy of the autocratic Government of the Czar.

For the Boston Political Refugees Defense League,
Mr. M. J. KONIKOW, Secretary.

CHICAGO, ILL., January 20, 1913.

Hon. ROBERT M. LA FOLLETTE,
1864 Wyoming Avenue, Washington, D. C.:

Bohemian American National Council appeals to you to lead the fight against the vicious conference immigration bill; un-American, useless; only helps for European Government to oppress.

E. S. VEAY, President.

CHICAGO, ILL., January 20, 1913.

Hon. ROBERT M. LA FOLLETTE,
1864 Wyoming Avenue, Washington, D. C.:

Section 3 of the conference immigration bill contains provision for certificate of character that would be complete reversal of the United States attitude toward those of other nations persecuted for political opinion. If this provision were enacted into law it would exclude the majority of Jews coming from Russia and Roumania, owing to legal difficulties in securing certificates. I hope that you will use your influence to have bill amended to preclude cruel consequence inevitably resulting from present phraseology.

ALEX. A. MCCORMACK,
President of the Board of Commissioners of Cook County.

CHICAGO, ILL., January 20, 1913.

Hon. ROBERT M. LA FOLLETTE,
1864 Wyoming Avenue, Washington, D. C.:

We have just learned that conference immigration bill, section 3, requires immigrants to produce certificates of character from their home Governments. Should this bill become a law, it would bar political refugees from entering this country, as no Government would give certificates of good character to political agitators who endeavor to secure laws for the betterment of their conditions, while it might readily give such certificates to criminals and other undesirables, in order to be rid of them. This country has always been the asylum of political refugees, and we, on behalf of 70,000 members of the Polish Catholic Union of America, who are citizens of this country, protest against this bill as being unjust and un-American; and we respectfully appeal to you to use your influence to defeat this measure.

STANISLAUS ADAMKIEWOZ,
President Polish Catholic Union of America.
N. S. BUDZBAN, Secretary.

Mr. ROOT. Mr. President, as I was not a member of the committee which reported this bill or of the conference committee, I did not read the terms of the conference report until the report was printed in Saturday's RECORD. I am, however, somewhat familiar with the history of the long struggle of the United States to establish and maintain the American doctrine of expatriation, and I feel deeply interested in having nothing embodied in our legislation which may tend to strike down that doctrine or which may tend to put it in the power of any other country to limit the operation of the doctrine that every man in this world is entitled to change the country of his residence.

I think, upon reading this clause, that it probably would open the door to make it possible that the right of immigration from foreign countries to the United States might be limited or prevented by the action or refusal to act of the country from which the immigrant seeks to come. For that reason I hope that the Senators in charge of the bill will ask to have it sent back to conference, in order that the following words may be stricken out:

Citizens or subjects of any country that issues penal certificates or certificates of character who do not produce to the immigration officials such a certificate.

I am in favor of the bill, Mr. President. I think it contains many provisions of very great value, and I would regret exceedingly to have its passage prevented.

Let me make one further suggestion. I think I can appreciate, probably better than most Senators, the reasons which perhaps led to the inclusion of this clause, because it is in my own State and in my own city that the evil resulting from the immigration of criminals has been most deeply felt. It has been a very great evil; it is so now. It is making collections, groups of the most desperate criminals in our American cities, and especially in my own city of New York; and I feel sure that the recommendation for the insertion of this clause by the department was with the sincere desire to make it possible for the immigration officers to keep out the Black Hand and the Camorra, which are so injurious to the maintenance of order and the enforcement of law in the city of New York. I feel sure that the clause was inserted with a good intention. I do not want, however, to let this occasion pass without expressing my belief that this clause was framed by officers who were thinking about keeping out Italian criminals and were not thinking about Russia at all; but because, as so frequently happens, a clause put in with one idea in mind may produce unexpected results in other directions, I think the clause ought to go out.

Mr. President, I think this is a very good illustration of the value and importance of discussion of having for measures of legislation the scrutiny of many, and an opportunity for discussion upon every provision. That opportunity having been given, I hope the evident sense of the Senate on this subject may receive effect on the part of the conferees.

Mr. LODGE. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from New York [Mr. O'GORMAN] have both recognized that the intent of the conferees was not to usurp power or put in any language which they did not think was proper. I think, as a mere question of parliamentary procedure and precedent, we had a right to put in the provision under the very sweeping decisions to which I have referred. However, that is not the question; the question is whether it ought to be there at all.

I hesitate very much to disagree on questions of interpretation of law with either Senator from New York; but I find, Mr. President, that an interpretation of which I did not think it susceptible is given to that clause, not merely by Senators who are opposed to the bill, but by Senators who are as strongly in favor of the bill as I am. If the provision is open to the interpretation which has been given to it here in debate, to which both Senators from New York, the Senator from Wisconsin, and others think it is open, I feel, Mr. President, reluctant as I am to cause any delay in the adoption of this report, that it ought to be sent back to conference. I therefore move that the Senate disagree to the report of the conference committee, and request a further conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

Mr. LIPPITT. Mr. President, before that motion is put, if the bill is going back to conference, I hope the conferees will not overlook the other point which was brought up by the Senator from Wisconsin [Mr. LA FOLLETTE] and which, it seems to me, is very worthy of consideration. I refer to the point which he made in regard to limiting the age at which children may be brought into this country by their parents and under which only the sons under 16 years of age can be brought into this country, unless they can pass the literacy test. I have had recently one or two very sad and deplorable cases brought to my attention, where parents who are in this country have attempted to bring in their children.

One case in particular occurs to me, of a young girl, perhaps 10 or 11 years old, who under the operation of the present law, if in the charity of the Secretary of Commerce and Labor it had not been interpreted very liberally, would have been sent back to Europe under conditions which seemed to me almost equivalent to murder. She would have been landed upon the docks there with absolutely nobody to take care of her, with no relatives, and with no means of support.

In addition to that, as suggested by the Senator, such a provision would have a tendency to break up families and leave boys of 16 years of age to become waifs in the great cities of Europe or to be brought up under conditions that would almost surely make for criminality, or something of that character. I hope that if it is possible that part of the bill will also receive the attention of the conferees.

Mr. LODGE. I assure the Senator that the matters to which the Senator from Wisconsin has called attention will receive the consideration of the conferees.

Mr. LA FOLLETTE. Mr. President, I think if the conferees would restore the language of the Senate bill at that point it would cure what I conceive to be the defect there.

Mr. LODGE. Yes; by restoring the Senate provision.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. LODGE. Mr. President, I moved to disagree to the report. Of course the other motion takes precedence if anyone makes it, but I made the motion to disagree.

Mr. STONE. Mr. President, I made a point of order against the provision which has been discussed most extensively here; but I am not going to press the point of order now, in view of the attitude of the Senator from Massachusetts. I desire to say, however, that it seems to me, notwithstanding the decisions of several Speakers of the House of Representatives, for whom I have great respect, that the better and safer practice is the one laid down in the Manual. I think it is an unwise and dangerous practice to confer power upon conference committees to introduce into legislation important provisions like the one now before us without giving to the Senate or to the House any opportunity to discuss them.

The Senator from New York [Mr. ROOR] well remarked that this is a fine illustration of the necessity of having matters of this kind brought before the body of the Senate—the Senate itself—for discussion and elaboration. True, various Speakers of the House of Representatives have held otherwise, or seemingly so at least; but I do not know whether there are any precedents of the Senate—I have not had time to have them looked up—embodying rulings upon like questions.

Mr. LODGE. Mr. President, if the Senator will allow me at that point, there was a question involving this principle decided both by the Senate and the House in the case where the conference committee put what was known as the "Japanese passport clause" into the immigration bill of 1907. It was absolutely new matter; but it was held under the general rule, which I have cited, that the whole subject was before the committee, and both the Senate and the House ruled it in order.

Mr. STONE. All I care now to say is that if this provision is brought back in any objectionable form—I am not sure, in any form—as an entirely new clause in the bill, I shall ask the judgment of the Senate as to whether the practice which the Senator from Massachusetts says is established in the House shall prevail in the Senate. The Senate, of course, can adopt its own rules—

Mr. LODGE. Oh, absolutely.

Mr. STONE. And its own practices.

Mr. LODGE. The Senator can search this bill from beginning to end and he will not find anything in it that was not in one bill or in the other—

Mr. STONE. Well, we have found one very important provision that was not in either bill.

Mr. LODGE. Except this provision; and of that the conferees were perfectly aware.

Mr. STONE. Now, Mr. President, I am going to ask that the part of an article I have marked, appearing in to-day's New York Times, prepared by Mr. Herbert Friedenwald, with relation to this particular clause, may be inserted in the Record without reading. I now withdraw the point of order.

The PRESIDENT pro tempore. The Senator from Missouri withdraws his point of order. The matter which he desires printed in the Record will be ordered printed, in the absence of objection.

The matter referred to is as follows:

Statement, signed by Herbert Friedenwald, secretary of the American Jewish committee:

"The conference committee on the immigration bill which has for more than a year been under consideration in Congress, reported what is practically a new measure late on Thursday. On the following day the House of Representatives adopted the bill as rephrased by the Senate and the Senate will probably act on it on Monday.

"It has just been discovered that the bill thus reported contains a clause which will exclude the majority of all Jews coming to this country from Russia and Roumania, and practically all immigrants who are suspected of being political offenders, and a large number of immigrants of all religious denominations from continental Europe. This provision adds a new class of aliens to those who are to be excluded from the United States, namely, 'citizens or subjects of any country that issues penal certificates or certificates of character, who do not produce to the immigration officer such a certificate.'

"The Russian laws regulating the issuance of such certificates are minute and onerous in their provisions. First of all, the possession of a Russian passport is required. This calls for the signatures and counter signatures of police and Government officials and of notaries. If the intending immigrant is a male 18 years of age, he must also present documentary proof that he has presented himself for military service and has been refused; if more than 21 years of age, that he has served in the army or is among the reserves. He must procure a police certificate that there is no objection to his leaving his home; that no fine has been imposed upon him; and that there is no civil judgment against him. If any member of the applicant's family is under disabilities his application is rejected.

"The legal fee to be paid for the passport is \$9. The exactions of the police officials frequently amount to much larger sums, and it is conceivable that under the 'system' it will be easier for a real criminal to purchase the necessary certificate of character than it would be for a poor and honest man to obtain it.

"When one considers the exactions to which the Russian Jew is constantly subjected, his harsh and oppressive treatment by police officials,

the fact that he is driven from pillar to post, and is frequently excluded from his home and stripped of his belongings on the pretext that he has everstepped the pale of settlement, it becomes at once apparent that for the average man compliance with the proposed amendment will be a practical impossibility. How could the victims of Kishineff or the thousands who are suspected of political offenses expect to secure such a certificate?

"In Roumania Jews are regarded neither as citizens nor as subjects. They are declared by statute to be 'aliens.' In their case compliance with the act is literally impossible.

"It is thus evident that this objectionable clause must have crept into the bill of the conference committee through inadvertence or without due appreciation of its consequences. It certainly can not have been intended to reverse our historic policy of affording an asylum within our hospitable gates to the persecuted and to those supposed to be political offenders.

"Congress has had no opportunity to give the slightest consideration to this important change in the law. It was never even suggested during the protracted consideration that has been given to the bill, and we are now confronted with the grave peril of having this un-American clause thus hastily injected into our legislation without the realization of its consequences.

"By means of it foreign Governments will be able to regulate immigration into the United States by arbitrarily granting or withholding certificates of character. This feature of the immigration bill, superadded to the literacy test, in itself a sufficient objection, should determine its fate."

Mr. SIMMONS. Mr. President, I desire to detain the Senate only a moment. I want to express my sympathy with the views set forth by the Senator from Wisconsin [Mr. LA FOLLETTE] in regard to the powers of conference committees and the manner in which the two Houses are handicapped under the present rules in dealing with conference reports. I am glad the Senator from Wisconsin brought that matter up, and I am glad we have had this discussion with regard to the rules governing conference reports. I think there ought to be a liberalization of these rules. I believe that the House and the Senate ought to have the right to adopt the report of a conference committee with amendments, and that these amendments should go back to the conference committee for further consideration. I do not suggest that as the best method of reaching and remedying this difficulty, but I do wish to say, Mr. President, that I have felt repeatedly since I have been a Member of this body the necessity of some liberalization of the rules under which the Houses act with reference to conference reports.

Now, one word, Mr. President, in reference to the provision as to penal and character certificates incorporated by the conference committee. I think that if there is anything emphasized under our immigration laws it is the purpose on the part of the people of this country to exclude so far as practicable from admission to our shores the criminal classes of Europe. I am heartily in sympathy with any provision which will accomplish that purpose. I believe that a part of the provision proposed by the conferees does contribute to that end. I believe that that part which refers to penal certificates would be most valuable in accomplishing our fundamental purpose in excluding European criminals.

I think, however, the committee has presented the provision in a form that is rather too drastic, too mandatory, too binding upon our immigration officers, and as this bill, probably by unanimous consent, is to be allowed to go back to the conference committee, I suggest that that provision might be retained not as a mandatory provision, but allowing such certificates to be considered as prima facie evidence of the criminality and the nonadmissibility of the alien.

The great difficulty, Mr. President, in administering the provision of our laws against the admission of criminal aliens is in ascertaining the facts bearing upon the record of the immigrant. If we can secure some official evidence under the laws of the country from which he proposes to emigrate showing that he is or is not entitled to admission, I think it would be a matter of wise precaution to take advantage of that law. I do think, however, that the provision in the conference report is entirely too drastic.

Now, so far as the character of the second certificates provided for in the report are concerned, I am very glad the Senator from Massachusetts feels the force of the argument which has been made with reference to them. I do not think the mischief apprehended by some Senator would follow the adoption of this provision, but it would open the door to possible abuses, which would intrench upon the traditional policy of this Government with reference to expatriation. Feeling that way about it, I went over to the Senator from Massachusetts shortly after the discussion upon this report began this morning and suggested to him that possibly under the circumstances it would be well to let the report go back to the conference committee in order that this subject might have further consideration.

Mr. LA FOLLETTE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. Yes.

Mr. LA FOLLETTE. Before the Senator takes his seat I wish to call his attention to another provision in this conference

report, which enlarges the powers of the Secretary of Commerce and Labor with respect to the importation of contract labor. I think the provision may have escaped the attention of Senators on the other side.

Mr. SIMMONS. That matter was under discussion here on Saturday, when the Senator, I apprehend, was not present.

Mr. LA FOLLETTE. This conference report was not up at that time.

Mr. SIMMONS. Yes; I think the conference report was up then.

Mr. LA FOLLETTE. I think the conference report has been called up to-day.

Mr. SIMMONS. Yes; but it was called up informally on Saturday and went over until to-day. I ask the Senator from Massachusetts if I am not right about that? I interrogated the Senator from Massachusetts on Saturday with reference to the provision as to contract labor.

Mr. LA FOLLETTE. May I say to the Senator—

Mr. LODGE. If the Senator will allow me, the provision to which the Senator refers was in the Senate bill.

Mr. LA FOLLETTE. I understand that.

Mr. LODGE. It has been reproduced here; but I think it makes no enlargement at all.

Mr. LA FOLLETTE. But oftentimes, Mr. President, bills which pass the Senate contain provisions not well understood by all Senators, and I desire simply to call the attention of the Senator, while he is on his feet, to one provision in this conference report. On page 4, as printed in pamphlet form, at the bottom of the page, the Senator will find this:

Provided further, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country.

That is the existing law.

Mr. SIMMONS. Yes; so I understand.

Mr. LA FOLLETTE. The existing law is enlarged by the conference report to this extent—and I submit this for the consideration of Senators on that side and on this side:

And the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Commerce and Labor upon the application of any person interested, such application to be made before such importation and such determination by the Secretary of Commerce and Labor, to be reached after a full hearing and an investigation into the facts of the case.

This is new matter and modifies the existing law. It gives the Secretary of Commerce and Labor the right to say when skilled employees shall be imported into this country under a contract to labor in this country. He conducts the hearing. "After a full hearing," it is true, but he determines what constitutes a full hearing, and he conducts that hearing upon the application of any individual who is interested in having that contract labor imported into this country.

Mr. DILLINGHAM. Mr. President—

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Vermont?

Mr. LA FOLLETTE. Certainly.

Mr. DILLINGHAM. I should like to say, in explanation of that provision, that it was in the bill as adopted by the Senate.

Mr. LA FOLLETTE. I am aware of that.

Mr. DILLINGHAM. There are a great many cases in the development of our industries in this country like one I have in mind that happened in Connecticut, where American citizens proposed to establish a manufactory of lace. They went abroad and purchased machinery for that purpose, the machinery being made under European patents and not procurable in this country. They brought it over here and established their mills, and then it became necessary to bring in foreign labor that was acquainted with that machinery in order to operate it.

There was no such skilled labor in this country as was required to operate that machinery. Under the present law all they could do was to go and make a contract to bring them over, which would be in violation of the law unless it was afterwards ratified by the American authorities. They had to bring them to Ellis Island, and then when objection was made to their coming in as contract laborers under the law they made their appeal to the Secretary of Commerce and Labor, and then he had to hear the question of whether skilled labor was necessary under the existing law and whether for that reason they ought to be admitted. It put these people to the expense, and to the risk as well, of bringing them over, with a possibility that they might be rejected if the decision was adverse.

Mr. LA FOLLETTE. If the Senator will permit me, I should like to inquire right at that point why it would not have been well for the manufacturers seeking to bring in these foreign skilled laborers to have applied for permission to do so before going abroad?

Mr. DILLINGHAM. Because the law gave the Secretary no authority; and this is to give the Secretary the authority to let them come and present their case in advance.

Mr. LA FOLLETTE. That is perfectly true; but the law provided that they should have a hearing.

Mr. DILLINGHAM. But they could not have a hearing until after the persons had been imported, had been held up at Ellis Island, and the question was certified up.

Mr. LA FOLLETTE. It is not proposed here to give them a hearing in advance.

Mr. DILLINGHAM. Yes, it is.

Mr. LODGE. That is the point.

Mr. DILLINGHAM. That is the very point of the amendment and the only object of it.

Mr. LODGE. That is the object of it and that is all there is to it.

Mr. LA FOLLETTE. I want to say this, Mr. President, if the Senator has concluded: I do not believe it should be left to the Secretary of Commerce and Labor to have the final word on that subject without some provision for an appeal, and I want to suggest to the Senator from Massachusetts that the conferees could well incorporate in this connection a provision for an appeal on the part of any dissatisfied party.

We know perfectly well—and we may as well look this matter squarely in the face—that the manufacturers of this country desire to bring skilled labor and other labor into this country from abroad whenever they can, because they can get it cheaper there than they can here. That is the whole basis for our protective system and for our claim of the necessity of a protective tariff. I am in favor of their bringing in that labor if it can not be found in this country. I am not in favor of their bringing it in if it can be found in this country. I do not believe we should give to any single official the final word as to whether they shall have that authority or not. I would not leave the matter in any doubt.

I was going to say to the Senator from Massachusetts, in conclusion, that it is a very easy matter to add to that paragraph, and I would suggest adding that the decision of the Secretary of Commerce and Labor shall be subject to appeal.

Mr. LODGE. I think it is now, as a matter of fact; but it will do no harm to put it in.

Mr. LA FOLLETTE. There will not be any doubt about it if it is specified.

Mr. LODGE. Not the slightest. I am much in favor of such a course.

Mr. DILLINGHAM. I should like to say, in connection with the remarks of the Senator from Wisconsin, that there is no branch of the present immigration law which is enforced with greater strictness than the contract-labor provision. The department is exceedingly careful to see that the law is observed. The execution of the law in some instances seems to be rather drastic, and yet it is nothing to be criticized. I say that because I know the Senator desires to have it so executed; and I can assure him now that that class of immigration gets no sympathy from the department.

Mr. LA FOLLETTE. But I am sure the Senator from Vermont will agree with me that no matter of such tremendous importance should be left to the discretion of any individual. It may be well administered to-day, and it may be ill administered to-morrow.

Mr. SIMMONS. Mr. President, I think I have the floor.

The PRESIDENT pro tempore. The Senator from North Carolina had the floor.

Mr. LA FOLLETTE. I beg the Senator's pardon.

Mr. SIMMONS. Mr. President, I had about concluded what I had to say with reference to the resubmission of this report to the conferees. The Senator from Wisconsin, when he addressed the Senate on this question a little while ago, referred to the contract-labor provision. I stated then that this conference report had been up on Saturday. I think I was correct in that statement. I remember asking the Senator from Massachusetts for an explanation of that provision of the conference report. I distinctly recall asking for an explanation. I had examined it, and it was not quite satisfactory to me. I had somewhat the same objections that the Senator from Wisconsin has expressed.

Mr. LA FOLLETTE. Mr. President, I think perhaps I was in error in saying to the Senator from North Carolina that the conference report was not before the Senate on Saturday, although perhaps not technically in error. I believe it was not called up until this morning. The Senator from North Carolina may have interrogated the Senator from Massachusetts about it upon its coming into the Senate.

Mr. SIMMONS. The matter was somewhat discussed here on Saturday, and went over by unanimous consent.

Mr. LA FOLLETTE. Perhaps it was.

Mr. SIMMONS. After the Senator from Massachusetts had made the statement on Saturday, it appeared to be the situation, so far as contract labor is concerned. We would, under this provision in the report, admit contract labor under certain conditions. Those conditions raised an issue of fact. Upon the determination of that fact the immigrant was to be admitted or he was to be denied admission, and, of course, somebody had to be vested with the authority to decide that question of fact. The only debatable question is whether the decision so rendered should be final.

There would be great force in what the Senator from Wisconsin suggests if there were no right of appeal from the decision of that officer. But my understanding is that under the present law there exists the right of appeal from the finding upon that question. That right, I understood, is provided in the existing law. I desire to inquire of the Senator from Massachusetts whether I am right about that.

Mr. LODGE. I explained that fully on Saturday.

Mr. SIMMONS. I did not understand the Senator from Massachusetts. There was some confusion at the time. There is the right to appeal, as I understand.

Mr. LODGE. There is the right to appeal. I misunderstood the Senator.

Mr. SIMMONS. I said I would have the same objections which the Senator from Wisconsin has urged unless I thought there was a right of appeal.

Mr. LODGE. The decision of the Secretary can not be final if it is in violation of law. The matter goes into court whenever that question is raised.

Mr. LA FOLLETTE. I just wanted to suggest to the Senator from North Carolina that if the conferees made it specific there could be no doubt about it.

Mr. SIMMONS. But, Mr. President, if the Senator will permit me, I think that right is outside of the immigration bill. It is provided in other law, and therefore need not be repeated in the present one.

Mr. LA FOLLETTE. No harm can come from its repetition.

Mr. SIMMONS. I do not think any harm can come, but I think there is no necessity for duplicating the law.

Mr. WORKS. Mr. President, I think we ought not to pass over the suggestion made by the Senator from Massachusetts and accept it as correct that there is a right of appeal in cases of this kind. The Supreme Court of the United States has held directly the contrary in some cases.

Mr. LODGE. I spoke carelessly when I said "the right of appeal." I meant that the Secretary's decision does not estop suit being brought for violation of the law.

Mr. WORKS. Oh, certainly not; but the Supreme Court has directly held that the decision of the Secretary of Commerce and Labor is conclusive upon that question.

Mr. LODGE. I was not aware of that. If that is the case, it shows the necessity of providing an appeal.

Mr. WORKS. I think the Senator will find that to be so.

Mr. STONE. Mr. President, before this report goes back, if it does, to the conference committee, I should like very briefly to call the attention of the Senator from Massachusetts, who I suppose will be a member of the conference committee on the part of the Senate—

Mr. LODGE. Yes; I am chairman of the committee.

Mr. STONE. I should like to call his attention to one or two other provisions of this bill which seem to me to be objectionable, and which, if it goes to conference again, might receive consideration from the conferees.

There appears to me to be an inconsistency between one of the clauses of section 3 and one of the clauses of section 9 in the particular I shall state.

On page 4 of the report, as part of section 3, is the provision that all aliens over 16 years of age, and so forth, capable of reading may be admitted.

Mr. LODGE. Yes; the illiteracy test.

Mr. STONE. Then follows this proviso:

That any admissible alien or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not.

Of course, that plainly permits one living here—a naturalized citizen, for example—to send for the particular relatives named.

Mr. LODGE. It is not limited to naturalized citizens. It applies to any admitted alien.

Mr. STONE. I was using that simply as an illustration.

Section 9 provides that it shall be unlawful for any person, including any transportation company, and so on, to bring in people of certain descriptions—those having certain diseases, idiots, and so forth—without being subjected to an examina-

tion in advance, and without the master of the vessel, or one of the two officers immediately under him, making a statement on the manifest that the passengers have been legally admitted and that they are not subject to any of the objections particularly set forth in section 3. The particular clause to which I want to call the attention of the Senator is at the bottom of page 7:

It shall also be unlawful for any such person—

That is, any transportation company—

to bring to any port of the United States any alien who is unable to read or who can not become eligible under existing law.

And a penalty of \$100 is prescribed if the officer does not comply with that provision of the bill.

I put this question to the Senator to think of it: Suppose a person who is here sends for his wife, mother, or father; how does the master of the vessel know, when the man or woman comes aboard, that he or she sustains that relationship? There must be some method of proof of it or else the master will not take the word of the individual and assume the risk of the imposition of the penalty.

Mr. LODGE. I see the force of the Senator's suggestion, that it might lead to a refusal on the part of the master. The exceptions ought to be expressed in the section.

Mr. STONE. Yes. I think it is sufficient to call the Senator's attention to it.

Mr. LODGE. I am obliged to the Senator for calling attention to it.

Mr. STONE. I do not know whether the Senator from Massachusetts or the conference committee will agree with me, but instead of the clause in section 3, at the top of page 3 of this report, which reads—

Persons who have committed a felony or other crime or misdemeanor involving moral turpitude—

it seems to me it would be better to employ the language of the present law, which, as I understand, is that any person who has been convicted of or admits having committed a felony, crime, or other misdemeanor shall be excluded.

Mr. LODGE. The language here is the language of the Senate bill. It was very carefully considered. It is based on the recommendation of the Immigration Commission. We had a specific case brought to our attention at Messina, where a man had committed murder and escaped to this country, and under that law he could not be turned back.

Mr. DILLINGHAM. And yet the consul at that place knew the facts.

Mr. LODGE. The consul knew the facts and informed our Government; but we were unable to do anything about it, because he never had been convicted.

Mr. STONE. The language here is:

Persons who have committed a felony or other crime or misdemeanor involving moral turpitude.

Who is to judge whether or not he has committed such an offense? How are we to know?

Mr. LODGE. That is a question of evidence, to be passed on by the Immigration Board, of course, as they pass on all these questions.

Mr. STONE. If some foreign official, acting for his Government, telegraphed to his consul in New York that A. B., an immigrant passenger on a certain ship, had committed a crime in his country, and asked that he be deported—

Mr. LODGE. Of course he could ask for extradition if he chose.

Mr. STONE. The offense might be extraditable, or it might not be.

Mr. LODGE. All felonies are extraditable.

Mr. STONE. Suppose he charges that he has committed a crime. Will the immigrant be tried here by the inspector, or will he be tried by a court, and will he not have the benefit of witnesses. He may never have had a trial or a hearing in his native country.

Mr. LODGE. All that is necessary for the immigration officials is to have it proved that he has committed a crime. Then they could exclude him. That is all.

Mr. STONE. Then is he to be tried here, before an administrative officer, with his witnesses in Europe?

Mr. LODGE. Certainly. He can appeal from the decision. That is done now. Cases of exclusion are constantly appealed.

Mr. STONE. Of course he can appeal from it, but I am talking about the difficulties that would confront a man, charged by some one in that indefinite way with having committed an offense, in proving that he had not committed it.

Mr. LODGE. Of course, the board will have to be satisfied by the evidence that he has committed the offense or he has confessed it.

Mr. STONE. But the present law is that if he has been convicted of committing an offense, or admits it, he shall not be permitted to land.

Mr. LODGE. This is enlarged, and was intentionally enlarged, in the bill that passed the Senate.

Mr. STONE. It seems to me that it places in the hands of foreign Governments a large power to retard the landing of people here upon a mere charge by a foreign Government that the person has committed an offense.

Mr. LODGE. We must have evidence of it, of course.

Mr. STONE. I do not see how it would be furnished if the man had not had a hearing or a trial.

Mr. LODGE. He could be extradited if they wished.

Mr. STONE. I simply desire to call attention to it at this time.

Mr. LODGE. Certainly.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Massachusetts [Mr. LODGE] that the conference report be disagreed to.

The motion was agreed to.

Mr. LODGE. I now move that the Senate insist on its disagreement to the amendment of the House, and ask a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. LODGE, Mr. DILLINGHAM, and Mr. PERCY the conferees on the part of the Senate.

EIGHT-HOUR LAW.

Mr. SHIVELY. Mr. President, I ask unanimous consent of the Senate to call up House bill 18787 for present consideration.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of the bill, which will be read for the information of the Senate.

The Secretary read the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Education and Labor with amendments.

The first amendment was, on page 2, line 8, after the word "dredging," to strike out "snagging"; in line 11, after the word "shall," to strike out "terminate within nine hours from beginning of workday" and insert "be continuous, except for customary intervals for meals or rest"; in line 19, after the word "dredging," to strike out "snagging"; and in line 24, after the word "dredging," to strike out "snagging," so as to read:

That sections 1, 2, and 3 of an act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" be amended to read as follows:

"Sec. 1. That the service and employment of all laborers and mechanics who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, which eight hours shall be continuous except for customary intervals for meals or rest; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency.

The amendment was agreed to.

The next amendment was, on page 3, line 5, after the word "persons," to strike out "performing directory, supervisory, or clerical duties, nor to masters, pilots, or mates," and insert "while not directly operating dredging or rock excavating machinery or tools," so as to read:

Provided, That nothing in this act shall apply or be construed to apply to persons while not directly operating dredging or rock excavating machinery or tools.

Mr. CLARKE of Arkansas. Mr. President, I move to amend the committee amendment by adding the words which I send to the desk. I will say in explanation of my action in offering the amendment that it is an exact copy of the exception contained in the eight-hour law, which was approved June 19,

1912. I thought that possibly some provision of this bill might operate to supersede that exception, and as it was thoroughly understood by the Senate that it would constitute an exception, I want to preserve that right by incorporating that feature now. I have presented it to the Senator from Indiana, who has charge of the bill, and if he has any objection he will indicate it.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Arkansas will be read.

The SECRETARY. On page 3, line 7, after the amendment of the committee and before the period, add the following:

Nor to persons engaged in the construction or repair of levees or revetments necessary for protection against floods or overflow on the navigable rivers of the United States.

Mr. SHIVELY. Mr. President, the language of the proposed amendment to the amendment is substantially the same as that creating an exception in the eight-hour bill enacted last year. That exception was at the time of its adoption the subject of some discussion in the Senate. The exception here created is not as broad, however, as in that case. I have not had time in which to fully forecast in my own mind its scope and effect, but it seems to apply to dredge workers on certain work a rule applied under the existing eight-hour law to all the workers on Government work under the same circumstances. In any event while I do not give to the amendment to the amendment an unqualified indorsement, I still do not feel that any consequence attaching to it is such as to justify me in delaying expeditious action on the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Education and Labor was, on page 3, line 17, after the word "dredging," to strike out "snagging," so as to read:

VIOLATION OF ACT BY OFFICER OR CONTRACTOR PUNISHABLE.

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed \$1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

The amendment was agreed to.

The next amendment was, on page 4, line 8, after the word "dredging," to strike out "snagging"; and, in line 11, after the word "act," to insert "or may be entered into under the provisions of appropriation acts approved prior to the passage of this act," so as to read:

EXISTING CONTRACTS NOT AFFECTED BY ACT.

SEC. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this act or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert a new section, as follows:

SEC. 4. That this act shall become effective and be in force on and after January 1, 1913.

Mr. SHIVELY. On page 4, line 15, I move to amend the amendment by striking out "January" and inserting "March," so as to read:

That this act shall become effective and be in force on and after March 1, 1913.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHIVELY. On page 2, line 11, there is evidently a typographical error. After the word "in" the word "and" should be "any." I move to strike out "and" and insert "any."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROTECTION OF INTERSTATE SHIPMENTS.

Mr. SMOOT obtained the floor.

Mr. CUMMINS. Will the Senator from Utah yield for a moment? I desire to submit a report from the Committee on the Judiciary.

Mr. SMOOT. I yield for that purpose.

Mr. CUMMINS. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same, to report it favorably with an amendment (S. Rept. 1132).

I ask unanimous consent for the present consideration of the bill. It is quite important, and I believe there will be no opposition whatever to it.

Mr. SMOOT. I yield for that purpose.

The PRESIDENT pro tempore. The Senator from Iowa asks for the present consideration of the bill just reported. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. Mr. President, reserving the right to object to the present consideration of the bill, I wish to ask the Senator from Iowa a question. I understand the reason for this bill to be that it is difficult, in many cases impossible, to prove the venue.

Mr. CUMMINS. That is the only reason for it.

Mr. WILLIAMS. I understand that is the only reason for it. Then, I should not object to the present consideration of the bill if it were so amended as to provide that in cases where the prosecution had been instituted, and there had been a failure to prove a venue, this should become the law; but in its present shape, it seems to me, it is obnoxious to objection, because, I think, it provides later on in the bill that nothing shall operate to prevent the exercise of the jurisdiction of the State in criminal cases of this sort, and that where one has been convicted before the State court he shall not be convicted before the Federal court. Yet, notwithstanding that, the practical operation of the bill would be this: The carriers interested in the execution of the law would invariably bring their prosecutions in the Federal court for two reasons—first, because it would be more convenient to them; and, secondly, because they have the idea at any rate that conviction would more certainly follow.

I will not object to the bill if the Senator will agree to amend it, and let the bill take effect only in cases where there has been a failure to prove the venue; but, in its present shape, I would object to its consideration at this time.

Mr. CUMMINS. I do not feel that I have any authority to agree to the amendment proposed by the Senator from Mississippi. There is an amendment reported by the committee, namely, that where there is a judgment of conviction, or a judgment of acquittal, if the prosecution be in the Federal court that is a bar.

Mr. WILLIAMS. I understand that it applies to either jurisdiction.

Mr. CUMMINS. If it is in the State court it is a bar in the Federal court.

Mr. WILLIAMS. I understand that.

Mr. CUMMINS. But I do not feel that I could for the committee agree to an amendment which would make the prosecution in the Federal court conditioned upon the failure of the prosecution in the State court. The Senator from Mississippi may remember that this is a House bill.

Mr. WILLIAMS. Yes; but, Mr. President, if the Senator from Iowa will excuse me a moment, I do not want to make the prosecution in the Federal court conditional upon the failure of prosecution in the State court, or vice versa. What I want is that the condition upon which the Federal court shall take jurisdiction shall be the impossibility or difficulty of proving the venue; in other words, that there shall be an affidavit made to that effect as a foundation of the jurisdiction of the Federal court.

Mr. CUMMINS. An affidavit by whom?

Mr. WILLIAMS. By whoever is prosecuting the case.

Mr. CUMMINS. The district attorney oftener than otherwise is the prosecutor, of course.

Mr. WILLIAMS. I understand that.

Mr. CUMMINS. And he might not be able to make an affidavit of that character.

Mr. WILLIAMS. But the carrier would be able to find somebody to make the affidavit. There would be no trouble about making the affidavit and about that becoming a part of the indictment.

Mr. CUMMINS. Of course, if we have the bill up for consideration the Senator from Mississippi can very easily move

that amendment. I do not know that I would oppose it at all, but I do not feel like agreeing for the committee to the amendment.

Mr. WILLIAMS. This is a request for unanimous consent. It seems to me that the danger is so palpable and obvious that if the bill becomes a law it will take the jurisdiction of all offenses of this sort practically out of the State courts into the Federal courts, to the detriment, where a man is really innocent, of the arrested person, forcing him to go to a distant forum instead of one near home; and it will become so evident in the interest of the real prosecutors, the carriers, the express companies, to throw all these cases into the Federal court that it will substantially do away with the jurisdiction of the State courts upon questions of this sort.

So I am not willing to grant unanimous consent for the present consideration of the bill until the committee has at least had an opportunity to consider that point and see if they can not amend the bill to meet the objection. I object to its present consideration.

Mr. CLARKE of Arkansas. Mr. President, I hope the Senator from Mississippi will withdraw the objection until I can say just a few words.

Mr. WILLIAMS. I withhold the objection.

Mr. CLARKE of Arkansas. The objection indicated by the Senator, if it is an objection, is a minor one. The fundamental objection to the bill is that it disregards one of the specific provisions of the Constitution of the United States. If there is a principle in our system of government which is fundamental, it is that the venue of a prosecution shall be established before a trial can take place. The system of dragging persons to distant points and to try them there for offenses went out of existence when the Constitution of the United States was adopted. The mere difficulty of proving the venue does not dispense with the necessity of doing it. It may be that the uncertainty was one of the possible means of escape that was contemplated when this system of government was established. It is no reason for dispensing with the necessary and fundamental principle of proving venue that it is difficult to prove it. There are a number of cases where that result has worked out. It would be better that the defendant should go free than that that fundamental principle of American citizenship should be violated.

I am not prepared to admit that because violence is practiced or crimes committed against property that is in transit in interstate commerce it shall constitute an offense against the National Government. It may be that in these times when that particular feature of our Constitution is growing all the time something has been said heretofore by courts or done by Congress that would make that a necessary extension of a doctrine already established and recognized. It is a close question, with the doubt in my mind against it; but I have no sort of doubt about the proposition that the mere uncertainty of the particular place where a certain crime is committed can not be made to dispense with the sixth amendment of the Constitution of the United States, which says:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district—

Not only the State but the district—

wherein the crime shall have been committed, which district shall have been previously ascertained by law.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Iowa?

Mr. CLARKE of Arkansas. I do.

Mr. CUMMINS. Of course, the bill does not relieve the Government from the necessity of proving the venue of the crime.

Mr. CLARKE of Arkansas. It must prove it to be within the jurisdiction.

Mr. CUMMINS. The only difference is that when a case is prosecuted in the Federal court the crime must be proved to have been committed in the district, I assume, in which the prosecution is brought forward, whereas in the other case it generally must be proven to have occurred in the county in which the crime was committed.

Mr. CLARKE of Arkansas. You can not prove that it occurred in a district without proving that it occurred in some county. It is no more difficult to prove that it occurred in a county than to prove that it occurred in a district, because the district is made up of counties.

Mr. CUMMINS. It is a little more difficult, because the county is smaller than the district.

Mr. CLARKE of Arkansas. The particular locus of the crime will be established in either event. But in addition to that very essential feature, I think the Senator from Iowa could enlighten some of us at least if he would give us the benefit of an explanation by him as to why he thinks that the

simple fact that an interstate train has been burglarized—for it is burglary in Arkansas to break into a freight car that has been sealed—constitutes an offense against the National Government.

Mr. CUMMINS. I did not introduce the bill.

Mr. CLARKE of Arkansas. I do not know anyone who is better able to sustain that position, if it is capable of being sustained, notwithstanding the Senator did not introduce the bill.

Mr. CUMMINS. I reported the bill at the command of the Judiciary Committee.

Mr. CLARKE of Arkansas. The committee owes it to the Senate to be able to demonstrate the legality or validity of the bills it presents. If the Senator is not able to do it, I do not know anyone on this floor who can do it.

Mr. CUMMINS. I have no real doubt about its validity if it passes. Of course, if it is passed by virtue of its power to regulate commerce among the States, because we have the right to protect and defend commodities in interstate commerce. The Senator from Arkansas is altogether too well versed in the judicial literature of that subject to need any further suggestion of mine.

Now, as to the necessity for such a bill, all that I can say is that it was represented and proven to us that there had been recently more than one miscarriage of justice because it had been found to be impossible to establish in the State courts the venue of the crime charged, and it was believed that this would enable prosecutions to be more effective. There is one case brought to our attention where a baggageman committed larceny upon a trunk coming up, I think, possibly from Jacksonville, through South Carolina, North Carolina, and Virginia, to Washington. He stole a large amount of jewelry from the trunk. It was found upon his person in the District of Columbia. He was prosecuted in the District of Columbia, and he was acquitted because he did not commit the larceny here and because there is no statute in the District of Columbia making it a crime to be found in the possession of stolen property. That is an instance of the inadequacy of the present law.

Mr. CLARKE of Arkansas. That is a defect in the legislation of the District. That does not tend to support the constitutional principle that the mere circumstance of property being transported in interstate commerce is immune, or rather so completely subjects it to the national authority that any interference with it constitutes an offense against the National Government. That matter can be carried a long way. If that were true, no one would dare to assault, except under pain of prosecution in a Federal court, an employee upon a railroad train hauling interstate freight; two passengers could not engage in a broil without subjecting themselves to prosecution in the Federal court. Felony or larceny or any other offense committed on a train engaged in interstate commerce would immediately cease to become a violation of the law of the particular State in which the transaction took place. That would become a national offense. The logic of the thing leads it beyond the doctrine for which the Senator is contending.

Now, I would suppose that when the Judiciary Committee proposed a measure that so radically interferes with the existing condition of affairs that committee would be able to sustain its position by some tangible reference to existing authority, and would not leave it to be assumed that it is because of the provision of the Constitution of the United States, which gives Congress the power to regulate commerce between the States, was a cure-all and a cover-all that embraces everything anybody chooses to say was within its jurisdiction.

As I caught the reading of the bill, the prosecution was not confined to any particular district. It seemed to be a kind of blanket proposition that if an interstate train was robbed from the time it started out anywhere along the route it would give jurisdiction to deal with the offender if they could find him anywhere.

The Senator from Iowa admits now that the territorial scope has been limited by the provision of the Constitution which I have just read, which brought it down as one of the districts in which the United States court served in the several States, and it would be necessary to establish the venue before the prosecution could take place. That, of course, limits the scope of the bill very much from what those who were so ardently interested in it deemed to be the case.

I think myself this is so radical a measure I believe the Senator from Iowa would be justified in taking a little time to prepare himself and see what has become of similar efforts to extend the national jurisdiction, if any such have ever been made, and see if the adjudicated cases would in the slightest degree justify this attempted extension of national authority.

I am not one of the cranks who think that the National Government has no powers. I think it ought to have ample power to carry out every duty imposed upon it. I am not a

strict constructionist on any line any further than the rationale of the situation requires. When I make the suggestions I do it is not at all out of any special jealousy of the jurisdiction of the State courts. I express a preference in many respects for the measure and character of justice administered in the Federal courts. But what I have to say about it is prompted entirely by considerations from that view of it.

Mr. CUMMINS. Mr. President, I shall not enter upon any argument in regard to the bill now. I have no great interest in the bill. I presented it to the Senate because I was commanded to do so by the Judiciary Committee. I believed it was good legislation and I believe it is constitutional. But, at any rate, it would be idle to discuss the bill at this time inasmuch as it is not to be considered at this time. If hereafter it shall come before the Senate, I will be very glad to respond to some of the suggestions which have been made by the Senator from Arkansas.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. I object.

The PRESIDENT pro tempore. The Senator from Mississippi objects, and the bill goes to the calendar.

PUBLIC BUILDINGS IN THE STATE OF WASHINGTON.

Mr. POINDEXTER. From the Committee on Public Buildings and Grounds I report back favorably, with an amendment, the bill (S. 4545) to provide for the erection of a public building in the city of Ellensburg, in the State of Washington, and I also report back with amendments the bill (S. 4547) to provide a site and to erect a public building at Aberdeen, Wash.

Mr. JONES. I ask unanimous consent that the two bills just reported may be put on their passage.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I do. I suppose it will not take any time.

The PRESIDENT pro tempore. The Senator from Washington asks for the present consideration of the bill (S. 4545) to provide for the erection of a public building in the city of Ellensburg, in the State of Washington. Is there objection?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The amendment of the committee was, in line 12, before the word "thousand," to strike out "two hundred" and insert "eighty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already acquired in the city of Ellensburg, Wash., a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office in the said city of Ellensburg, Wash., the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$85,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES. I ask the Senate to proceed to the consideration of Senate bill 4547.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4547) to provide a site and erect a public building at Aberdeen, Wash., reported from the Committee on Public Buildings and Grounds with amendments.

The amendments were, on page 1, line 4, to strike out "purchase or acquire by condemnation of a site for and"; in line 5, after the word "erected," to strike out "thereon" and insert "upon the site already acquired"; in line 11, before the word "building," to strike out the words "site and"; and, in line 12, before the word "thousand," to strike out "fifty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already acquired a suitable and commodious building for the use and accommodation of the post office and other offices of the Government at Aberdeen, Wash.

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the building complete, the sum of \$120,000: *Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 30 feet, including streets and alleys; and no money appropriated for the purpose shall be available until a valid title to the site for said building shall be vested in the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES. I suggest that the title be amended by striking out the reference to a site. The site has already been purchased.

The title was amended so as to read: "A bill to provide for the erection of a public building at Aberdeen, in the State of Washington."

PROPOSED EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

Mr. MARTIN of Virginia. Mr. President, it is very evident that there is no quorum present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Virginia suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dixon	Lippitt	Simmons
Bankhead	du Pont	McCumber	Smith, Ariz.
Bourne	Fletcher	Martin, Va.	Smith, Md.
Bradley	Foster	Martine, N. J.	Smoot
Bristow	Gallinger	Nelson	Stephenson
Brown	Gamble	O'Gorman	Stone
Bryan	Gardner	Oliver	Sutherland
Burton	Gore	Page	Swanson
Chilton	Gronna	Paynter	Thomas
Clapp	Guggenheim	Percy	Thornton
Clarke, Ark.	Helskell	Perkins	Townsend
Crawford	Hitchcock	Perky	Wetmore
Culberson	Johnston, Ala.	Poin Dexter	Williams
Cullom	Jones	Pomerene	Works
Cummins	Kern	Sanders	
Curtis	La Follette	Shively	

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. A quorum of the Senate is present. The question is on the motion made by the Senator from Utah [Mr. Smoot] that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. CLARKE of Arkansas. Mr. President, I call for the yeas and nays. I think we are entitled to have a yeas-and-nays vote on the question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FOSTER (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and I think upon this question I will observe that pair.

Mr. LIPPITT (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the Senator from New Mexico [Mr. FALL] and will vote. I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. SMITH] and therefore withhold my vote.

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLEAN] and therefore withhold my vote.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from New Hampshire [Mr. BURNHAM] and will vote. I vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I wish to say that my colleague [Mr. OVERMAN] is absent on account of sickness.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], and I therefore decline to vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is detained from the Senate by illness. I transfer that pair to the junior Senator from Nevada [Mr. MASSEY] and will vote. I vote "yea."

Mr. STONE (when Mr. REED's name was called). I desire to state that my colleague [Mr. REED] has been called from the Senate by imperative business.

Mr. SIMMONS (when his name was called). I wish to ask if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SIMMONS. I have a pair with that Senator and therefore withhold my vote.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He not being present, I withhold my vote.

The roll call was concluded.

Mr. LODGE. I transfer my pair with the junior Senator from Georgia [Mr. SMITH] to the Senator from New Mexico [Mr. CATRON] and will vote. I vote "yea."

While I am on my feet I announce by request that my colleague, the Senator from Massachusetts [Mr. CRANE] is paired with the Senator from Maine [Mr. GARDNER]; that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON]; that the Senator from Kansas [Mr. CURTIS] is paired with the Senator from Oklahoma [Mr. OWEN]; that the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH]; and that the Senator from Connecticut [Mr. BRANDEGEE] is paired with the Senator from Georgia [Mr. BACON].

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Maine [Mr. JOHNSON] and will vote. I vote "nay."

Mr. WILLIAMS (after having voted in the negative). I have just been informed of the absence of the senior Senator from Pennsylvania [Mr. PENROSE]. I have a general pair with that Senator, and I therefore desire to withdraw my vote.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Nevada [Mr. NEWLANDS] and vote. I vote "nay."

The result was announced—yeas 26, nays 30, as follows:

YEAS—26.

Bradley	Gallinger	McCumber	Stephenson
Brown	Gronna	Nelson	Sutherland
Burton	Jackson	Oliver	Townsend
Cullom	Jones	Page	Wetmore
Cummins	La Follette	Perkins	Works
Dillingham	Lippitt	Sanders	
du Pont	Lodge	Smoot	

NAYS—30.

Ashurst	Fletcher	Myers	Smith, Ariz.
Bankhead	Gore	O'Gorman	Smith, Md.
Bourne	Heiskell	Percy	Swanson
Bristow	Hitchcock	Perky	Thomas
Bryan	Johnston, Ala.	Poindexter	Thornton
Chilton	Kern	Pomerene	Tillman
Clarke, Ark.	Martin, Va.	Shively	
Culberson	Martine, N. J.	Simmons	

NOT VOTING—39.

Bacon	Crawford	Kenyon	Richardson
Borah	Curtis	Lea	Root
Brandegge	Dixon	McLean	Smith, Ga.
Briggs	Fall	Massey	Smith, Mich.
Burnham	Foster	Newlands	Smith, S. C.
Cañon	Gamble	Overman	Stone
Chamberlain	Gardner	Owen	Warren
Clapp	Guggenheim	Paynter	Watson
Clark, Wyo.	Johnson, Me.	Penrose	Williams
Crane	Johnston, Tex.	Reed	

So the Senate refused to proceed to the consideration of executive business.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 21, 1913, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

Monday, January 20, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Help us, O God, our heavenly Father, to take up the work of the week with joy and gladness, praise and gratitude; putting our minds and hearts into each task, great or small, that we may accomplish something for ourselves, for those we love, and our fellow men that will redound to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Clerk will call the first bill on the Unanimous Consent Calendar.

HOMESTEAD ALLOTMENTS OF CHOCTAW AND CHICKASAW INDIANS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 25507) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. BURKE of South Dakota. I would like to know what bill is up. Is it a bill from the Committee on Indian Affairs?

Mr. MANN. A bill to authorize certain changes in Indian allotments.

Mr. BURKE of South Dakota. I see the gentleman from Oklahoma [Mr. FERRIS] is present.

Mr. FERRIS. Mr. Speaker, if the gentleman from Illinois [Mr. MANN] will consent, this is a bill of my colleague Mr. CARTER, who is ill in bed. I do not know anything about it, and I do not know if he were here he could explain away the objections of the gentleman from Illinois; but I ask that the bill remain on the calendar, without prejudice, on account of Mr. CARTER being absent.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead."

The Clerk proceeded with the reading of the bill.

Mr. MANN. Mr. Speaker, is the Clerk reading the original bill or the committee amendment, may I ask?

The SPEAKER. The Clerk is reading the original bill.

Mr. MANN. I ask unanimous consent that the Clerk report the substitute instead of the original bill. It is merely a matter of saving time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the Clerk read the substitute in lieu of the original bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That sections 3 and 4 of the act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909, and of an act entitled 'An act to provide for an enlarged homestead,' approved June 17, 1910, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres.

"SEC. 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of original entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence, as required by section 2291 of the Revised Statutes."

During the reading,

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I would like to ask if it has not been the custom in submitting request for unanimous consent to first read the title of the bill? I can not see the necessity for reading a bill, especially a bill of some length, if there is going to be an objection.

The SPEAKER. There is no rule about that, but the Chair thinks the better practice is to read the bill, so that Members will be informed as to what it is. The title might convey no information at all. The Clerk will proceed with the reading.

The Clerk resumed and completed the reading of the substitute.

Mr. MANN. Mr. Speaker—

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish the gentleman would state just what this bill accomplishes.

Mr. TAYLOR of Colorado. Mr. Speaker, prior to the enactment of the enlarged-homestead law of February 19, 1909 (35 Stat., 639), many homestead entrymen had made a filing upon 160 acres of land within the territory that was afterwards designated as dry-farming land, subject to entry under the